



Metropolitan Development Commission Hearing Examiner (March 13, 2025) Meeting Agenda

Meeting Details

Notice is hereby given that the Hearing Examiner of the Metropolitan Development Commission will hold public hearings on:

Date: Thursday, March 13, 2025

Time: 1:00 PM

Location: Public Assembly Room, 2nd Floor, City-County Building, 200 E. Washington Street, Indianapolis, IN

Business:

Special Requests

PETITIONS REQUESTING TO BE CONTINUED:

1. 2024-ZON-125 (Amended) | 4460 and 4498 North Keystone Avenue

Washington Township, Council District #8
Mark and Kim Crouch

Rezoning of 0.42-acre from the D-5 (W-1) and C-3 (W-1) districts to the C-5 (W-1) district to provide for commercial uses.

****Staff request for continuance for cause to April 10, 2025**

2. 2024-ZON-126 | 1602 and 1604 Arsenal Avenue and 1426 East 16th Street

Center Township, Council District #13
Elizabeth & Michael Simmons, by Reinhard Pollach

Rezoning of 0.18-acre from the C-5 district to the D-8 district to provide for residential uses.

****Petitioner has withdrawn the Petition**

3. 2025-ZON-013 | 240 East 22nd Street

Center Township, Council District #13
Zinkan Enterprises, by Russell L. Brown and Elizabeth Bentz Williams, AICP

Rezoning of 0.27-acre from the D-8 district to the MU-2 district to provide for a mixed-use development.

****Automatic continuance request to April 10, 2025, filed by Petitioner**

4. 2025-CAP-804 / 2025-CVR-804 | 324 West Morris Street and 325 Wilkins Street

Center Township, Council District #18
C-S
Kaur Properties, LLC, by Adam DeHart

Modification of commitments and site plan related to 2019-CZN-827, to provide for revised building footprint, indoor and outdoor amenities, minor site revisions, pedestrian access revisions, and a revised shared parking lot.

Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot front setback from Wilkins Street, with no landscaping (10-foot front setback required, minimum six-foot landscaping along the entire frontage required and one tree per 35 feet of street frontage required), no

landscaping along Missouri Street (minimum six-foot landscaping along the entire frontage required and one tree per 35 feet of street frontage required), no interior landscaping within the parking area (minimum landscaping consisting of 6% land area within parking area required), a zero-foot south side yard setback (10-foot side yard setback required), and the installation of landscaping within the right-of-way (not permitted).

****Staff request for continuance for cause to April 10, 2025, with Notice**

5. 2025-CVR-810 / 2025-CPL-810 | 1222 North Temple Avenue

Center Township, Council District #13

D-5

Maurice K. Kistler and Vivian R. Kistler, by John Cross

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 38.5-foot lot width and zero-foot south side setback at the walkway for proposed Lot One, a 36.53-foot lot width for proposed Lot Two (minimum 40-foot lot width required for each lot and five-foot side setback required).

Approval of a Subdivision Plat to be known as Replat of Lot 48 in Vajens Springdale Subdivision, subdividing 0.32-acre into two lots.

****Automatic continuance to April 10, 2025, filed by Registered Neighborhood Organization**

6. 2025-CZN-811 / 2025-CVC-811 | 1708 East 10th Street and 1017 Windsor Street

Center Township, Council District #13

RG Holdings, LLC, and Jackson Control Properties, by David Kingen and Emily Duncan

Rezoning of 0.67-acre from the D-8 and C-3 districts to the MU-1 district for a mixed-use development.

Vacation of the first east-west alley north of 10th Street, being 15 feet in width, beginning at the east right-of-way line of Windsor Street, east 150 feet, to the west right-of-way line of the first north-south alley east of Windsor Street, with a waiver of the assessment of benefits.

****Petitioner request for continuance for cause to April 10, 2025**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

7. 2024-CVR-850 (Amended) | 601 South Tibbs Avenue

Wayne Township, Council District #17

D-5 (FF)

Dave's Mechanic Shop, LLC, by David Kingen and Justin Kingen

Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow Automobile, Motorcycle, and Light Vehicle Service or Repair in a D-5 (FF) district (not permitted) and outdoor storage of six 40-foot by eight-foot shipping containers and two commercial vehicles; a five-foot south side transitional yard (10 feet required), and a three-foot rear transitional yard (10 feet required).

8. 2025-ZON-009 | 3813 North Sherman Drive

Washington Township, Council District #8

Haben Ghebremichael Davis

Rezoning of 0.79-acre from the D-3 (TOD) district to the C-3 (TOD) district to provide for commercial uses.

9. 2025-ZON-011 | 5220 Bluff Road

Perry Township, Council District #22

Burmese American Community Institute, Inc., by Andi M. Metzel

Rezoning of 1.3 acres from the D-A district to the SU-38 district to provide for a community center.

10. 2025-ZON-012 | 6900 Milhouse Road

Decatur Township, Council District #21

D. R. Horton – Indiana, LLC, by Brian. J. Tuohy

Rezoning of 11.15 acres from the D-A district to the D-4 district to provide for a single-family residential development.

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

11. 2025-ZON-002 | 6120 East Thompson Road

Franklin Township, Council District #24
Thompson and Commerce Properties LLC, by Richard Henderson

Rezoning of 4.732 acres from the D-P (FF) district to the D-6 (FF) district to provide for residential uses.

12. 2025-ZON-003 | 7420 North Shadeland Avenue

Lawrence Township, Council District #3
Shane Ellison

Rezoning of 1.15 acres from the C-1 district to the C-7 district to provide for a commercial and building contractor business.

13. 2025-ZON-005 | 8830 and 8850 Rockville Road

Wayne Township, Council District #17
HKZ Properties, LLC, by Ron Sears

Rezoning of 1.527 acres from the D-A and D-3 districts to the C-3 district to provide for commercial uses.

14. 2024-CZN-853 / 2024-CVR-853 | 420 West 40th Street

Washington Township, Council District #7
Edith Glover, by Lester Wiley Carver

Rezoning of 0.38-acre from the D-5 district to the C-3 district.

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing surface parking lot, with a zero-foot front transitional yard setback, with landscaping within the right-of-way (minimum ten-foot transitional yard with landscaping on subject parcel required), and a nine-foot east transitional yard setback (minimum ten-foot transitional yard required).

15. 2025-CZN-802 / 2025-CPL-802 / 2025-CVR-802 | 5801 Mills Road

Decatur Township, Council District #21
Grand Communities, LLC, by David Gilman

Rezoning of 16.5 acres from the SU-2 District to the D-4 District to provide for attached single-family dwellings.

Approval of a Subdivision Plat to be known as Oak Springs, dividing 16.5 acres into 74 lots.

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 76-foot lot width for all lots (minimum 90-foot lot width required), seven lots with lot areas ranging from 9,194 square feet to 9,815 square feet (minimum 10,000 square foot lot area required), and 13 lots without public street frontage (public street frontage required).

PETITIONS FOR PUBLIC HEARING (New Petitions):

16. 2025-ZON-007 | 2949, 2953, and 2959 Ruckle Street

Center Township, Council District #8
Modern Housing Solutions, Inc., by David Gilman

Rezoning of 0.349-acre from the D-5 district to the D-8 district to provide for an eight-unit multi-family residential development.

Additional Business:

**The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written

objections to a proposal are encouraged to be filed via email at planneroncall@indy.gov before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-7093, at least 48 hours prior to the meeting. Department of Metropolitan Development - Current Planning Division.



METROPOLITAN DEVELOPMENT COMMISSION **March 13, 2025**
HEARING EXAMINER

Case Number: 2024-ZON-125 (Amended)
Property Address: 4460 & 4498 North Keystone Avenue (Approximate Addresses)
Location: Washington Township, Council District #8
Petitioner: Mark and Kim Crouch
Current Zoning: D-5 (W-1) and C-3 (W-1)
Request: Rezoning of 0.42-acre from the D-5 (W-1) and C-3 (W-1) districts to the C-5 (W-1) district to provide for commercial uses.
Current Land Use: Auto Repair
Staff Recommendations: Denial
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENUM FOR MARCH 13, 2025 HEARING EXAMINER

This petition was continued from the January 9, 2025 hearing to the March 13, 2025 hearing at the request of the petitioner to allow additional time to amend the request and provide new notice.

The petition was amended to change the rezoning request from the C-4 district to the C-5 district. Staff wanted more time to determine if an existing variance of use would be applicable to the site. After speaking with the petitioner, they proposed the April 10, 2025 hearing date which staff is agreeable to. Therefore, staff is requesting a **continuance for cause from the March 13, 2025 hearing to the April 10, 2025 hearing.**

ADDENUM FOR JANUARY 9, 2025 HEARING EXAMINER

This petition was continued from the November 21, 2024 hearing to the January 9, 2025 hearing at the request of the petitioner. No new information was submitted to the case file.

November 21, 2024

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends denial of the request.



**Department of Metropolitan Development
Division of Planning
Current Planning**

If approved against staff's recommendation the approval shall be subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. A 52-foot half right-of-way shall be dedicated along the frontage of Keystone Avenue, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP)

PETITION OVERVIEW

LAND USE

The 0.42-acre subject site is developed with two commercial buildings currently utilized for a car repair and maintenance service business.

REZONING

The grant of the request would rezone the property from the D-5 (W-1) and C-3 (W-1) districts to the C-4 (W-1) district to allow for commercial uses.

The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such



**Department of Metropolitan Development
Division of Planning
Current Planning**

freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.

WELLFIELD

A wellfield is an area where the surface water seeps into the ground to the aquifer and recharges the wells that are the source of our drinking water. This secondary zoning district places closer scrutiny on uses and activities that might contaminate the underground drinking water supply.

There are two wellfield district designations. An area identified as W-1 is a one-year time-of-travel protection area. The W-5 is a five-year time-of-travel protection area. All development within these districts is subject to Commission approval.

This site is specifically located within the Fall Creek W-1 Wellfield Protection District. Unless exempted by Section 742-204.D Technically Qualified Person review requirement, a Site and Development Plan shall be filed with and be subject to approval on behalf of the Commission by the Technically Qualified Person (TQP).

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 52-foot half right-of-way along Keystone Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

STAFF ANALYSIS

The southern subject parcel has historically been used as an office and the northern subject parcel was a fueling station with truck and trailer storage and rental. The site is currently operating an auto repair business with two commercial buildings on site.

Because of the existing Fall Creek W-1 Wellfield Protection District on site, staff is recommending denial of the rezoning to the C-4 district that allows uses that could cause additional contamination on the site. Furthermore, it is unclear to staff what type of business would be proposed on site although the site plan notes an existing gas station and fuel pumps that do not exist today.

If a fueling station were proposed, it would not be permitted since it is a prohibited use in the Wellfield Protection District. Additionally, the site would not be conducive for a fueling station if proposed since the site is difficult to exit considering the amount of traffic that runs along Keystone Avenue.

Staff recommended that the petitioner rezone to the C-3 district instead to align with the community commercial recommendation of the Comprehensive Plan and provide a less invasive district adjacent to the couple residential dwellings to the west.



GENERAL INFORMATION

Existing Zoning	D-5 (W-1) and C-3 (W-1)	
Existing Land Use	Auto Repair	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	C-S Automobile Sales
	South:	C-3 Dental Office
	East:	C-5 Retail
	West:	I-1 Residential (Single-family dwelling)
Thoroughfare Plan		
Keystone Avenue	Primary Arterial Street	104-foot proposed right-of-way and 100-foot existing right-of-way.
45 th Street	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	Yes	
Site Plan	October 3, 2024	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019).

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends community commercial development of the site.



**Department of Metropolitan Development
Division of Planning
Current Planning**

- The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.
- **Conditions for All Land Use Types**
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - Outdoor display of merchandise should be limited.
 - If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
 - Should be located along an arterial or collector street.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- **Large-Scale Offices, Retailing, and Personal or Professional Services**
 - Should be located along an arterial street.
 - Outdoor display of merchandise should be limited.
 - If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Should be no larger than 25 acres with 125,000 square feet of floor space and no more than three out lots.
- A commercial rezoning of the site would align with this recommendation except for uses that would not be permitted in the wellfield protection district, which staff wants to prevent with the recommendation to lower the proposed commercial rezoning district to C-3.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.



Department of Metropolitan Development
Division of Planning
Current Planning

Indy Moves
(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.



ZONING HISTORY

Zoning History - Site

92-Z-150; 4456 and 4460 North Keystone Avenue (subject site), Rezoning of 0.92 acre, being in the D-5 District, to the C-3 classification to conform zoning with the present uses, **approved**.

77-UV3-14; 4498 North Keystone Avenue (subject site), Variance of use and development standards to continue open air storage and rental of 12 U-Haul trailers and 3 U-Haul trucks in conjunction with present service station, **granted**.

74-UV3-189; 4498 North Keystone Avenue (subject site), Variance of use and development standards to continue open air storage and rental of 12 U-Haul trailers and 3 U-Haul trucks in conjunction with present service station, **granted, temporary for 2 years**.

72-UV1-136; 4498 North Keystone Avenue (subject site), Variance of use to allow open storage and rental of 12 U-Haul trailers and 3 U-Haul trucks in conjunction with exiting service station, **granted**.

71-V2-16; 4460 North Keystone Avenue (subject site), Variance of use, setbacks, side and transitional yard requirements to erect an office building with pole sign, **granted**.

55-V-595; 4498 Keystone Avenue (subject site), Variance of use and building line requirements to permit erection and operation of a service station with a pole sign at the northeast corner of the lot, and with off street parking and loading spaces provided, **granted**.

Zoning History - Vicinity

2023-UV2-006; 2320 Duke Street (southwest of site), Variance of use of the Consolidated Zoning and Subdivision Ordinance to provide for the use of a rubber press, a Heavy Manufacturing operation (not permitted), **granted**.

2013-ZON-010; 4530 North Keystone Avenue (northwest of site), Rezoning of 2.9 acres, from the I-1-S (W-1) and D-5 (W-1) Districts to the C-S (W-1) classification to provide for I-2 uses and the rental of trucks, vans and trailers and the repair and maintenance of said vehicles, **approved**.

2008-ZON-827; 4510 North Keystone Avenue (north of site), Rezoning of 0.5 acre, from the D-5 (W-1) and I-2-S (W-1) Districts to the C-4 (W-1) classification to provide for general commercial uses, **approved with commitments**.

2003-UV3-035; 2219 East 45th Street (west of site), Variance of Use of the Industrial Zoning Ordinance to provide for a printing shop, **approved**.

99-HOV-32; 2301 East 46th Street (west of site), Variance of development standards to provide for an addition to a training center with a 16-foot front yard setback and a 13.6 side-yard setback, **granted**.



Department of Metropolitan Development
Division of Planning
Current Planning

97-UV1-63; 2320 East Duke Street (southwest of site), Variance of use of the Industrial Zoning Ordinance to provide for the operation of a mechanical contractor, within an existing building, **granted**.

85-Z-153; 4502 North Keystone Avenue (north of site), Rezoning 0.713 acre, being in the D-5 and I-1-S district, to the C-S classification, to permit all uses I the C-5 and I-2-S districts except for gas station, live adult entertainment arcades and adult bookstores, **approved**.

84-UV3-18; 7301 North Illinois Street (north of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for the expansion and remodeling of an existing guest house on a lot zoned for single-family dwellings only, **withdrawn**.

76-UV1-146; 2301 East 45th Street (north of site), Variance of use and Development Standards to permit storage and parking of new and used automobiles, in connection with existing auto sales and repair on north side of street, **denied**.



Photo of the subject site at 4460 North Keystone Avenue.

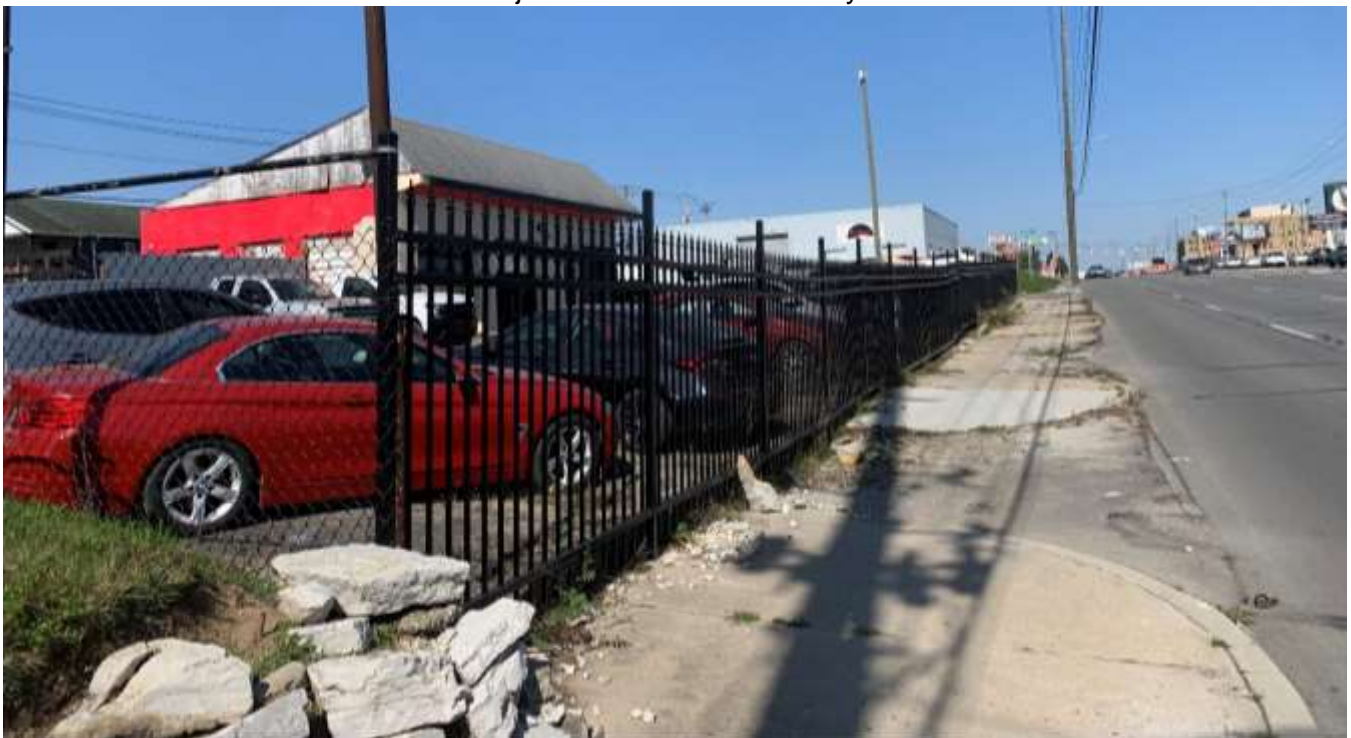


Photo of the subject site's street frontage looking north along Keystone Avenue.



Photo of the subject site's street frontage looking south along Keystone Avenue.



Photo of the subject site looking south from 45th Street.



Photo of the subject site looking southeast from 45th Street.



Photo of the single-family dwelling west of the site.



Photo of a commercial shopping strip east of the site.



Photo of the dentist office south of the site zoned C-3.



METROPOLITAN DEVELOPMENT COMMISSION **March 13, 2025**
HEARING EXAMINER

Case Number: 2024-ZON-126\
Property Address: 1602 & 1604 Arsenal Avenue & 1426 East 16th Street (Approximate Addresses)
Location: Center Township, Council District #13
Petitioner: Elizabeth & Michael Simmons., by Reinhard Pollach
Current Zoning: C-5
Request: Rezoning of 0.18 acres from the C-5 district to the D-8 district to provide for residential uses
Current Land Use: Undeveloped
Staff Recommendations: Approval with a commitment.
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENDUM FOR MARCH 13, 2025 HEARING EXAMINER

This petition was continued for cause from the February 27, 2025 hearing to the March 13, 2025 hearing at the request of the petitioner.

The petitioner has submitted a request to **withdraw** this petition. This would require the acknowledgement from the Hearing Examiner.

ADDENDUM FOR FEBRUARY 27, 2025 HEARING EXAMINER

This petition was continued from the January 23, 2025 hearing to the February 27, 2025 hearing at the request of the petitioner.

The petitioner submitted a written continuance for cause request to continue this matter from the February 27, 2025, hearing to the March 13, 2025 hearing.

ADDENDUM FOR JANUARY 23, 2025 HEARING EXAMINER

This petition was continued for cause from the December 19, 2024 hearing to the January 23, 2025 hearing at the request of the petitioner to allow them additional time to discuss the right-of-way dedication request with the Department of Public Works (DPW).

After the petitioner had additional discussions with the Department of Public Works, the commitment language was revised by DPW and agreed upon by the petitioner.



Department of Metropolitan Development
Division of Planning
Current Planning

Staff **recommends approval** subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

Additional right-of-way shall be dedicated along the frontage of 16th Street per the request of the Department of Public Works (DPW) Engineering Division. The right-of-way shall be of sufficient width to provide for a sidewalk 5 feet in width, and a buffer space 5 feet in width between the sidewalk and the back of the existing curb. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP)."

December 19, 2024

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

A 39-foot half right-of-way shall be dedicated along the frontage of 16th Street., as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).

PETITION OVERVIEW

LAND USE

The 0.18-acre subject site is comprised of three undeveloped parcels (1059577, 1013307, and 1071807) to be combined.

The sites are surrounded to the west by an undeveloped lot across the alley, zoned C-5, to the north by a single-family dwelling, zoned C-5, to the east by an undeveloped lot, zoned D-8, and to the south by a commercial building, zoned C-5.

REZONING

This petition would rezone the parcels from the C-5 district to the D-8 district to allow for single-family residential development.

The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or



**Department of Metropolitan Development
Division of Planning
Current Planning**

operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.

The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed- use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 39-foot half right-of-way along 16th Street. This dedication would also be consistent with the Marion County Thoroughfare Plan.

STAFF ANALYSIS

Staff is supportive of the rezoning to the D-8 district because it would allow for the development of a residential dwelling that would fit with the context of the surrounding area and would increase the housing stock.

Additionally, the proposed D-8 district and residential use would align with the traditional neighborhood recommendation of the of the Comprehensive Plan.

GENERAL INFORMATION

Existing Zoning	C-5		
Existing Land Use	Undeveloped		
Comprehensive Plan	Traditional Neighborhood		
Surrounding Context	Zoning	Land Use	
	North:	C-5	Residential (Single-family dwelling)
	South:	C-5	Commercial Building
	East:	D-8	Undeveloped
	West:	C-5	Undeveloped
Thoroughfare Plan			
Arsenal Avenue	Local Street	48-foot proposed right-of-way and 61-foot existing right-of-way.	
16 th Street	Primary Arterial Street	78-foot proposed right-of-way and 60-foot existing right-of-way.	
Context Area	Compact		
Floodway / Floodway Fringe	No		



Overlay	No
Wellfield Protection Area	No
Site Plan	N/A
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Infill Housing Guidelines (2021)
- Indy Greenways Full Circle Master Plan, Part One (2014)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends traditional neighborhood development of the site.
- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Conditions for All Land Use Types**
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.



Department of Metropolitan Development
Division of Planning
Current Planning

- **Conditions for All Housing**

- A mix of housing types is encouraged.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly-accessible recreational or cultural amenity that is available at no cost to the user.
- Primary structures should be no more than one and a half times the height of other adjacent primary structures.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/parking areas do not qualify as a pedestrian connection.

- **Detached Housing**

- The house should extend beyond the front of the garage. Garages should be loaded from an alley or side street when possible and should be detached if located on the side of the house.
- Secondary units are encouraged.
- Lots should be no larger than one and a half times the adjacent lots.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- **BUILDING ELEVATIONS AND ARCHITECTURAL ELEMENTS**

- **1. Utilize Foundation Styles and Heights that are Consistent with Nearby Houses:** The height of the foundation affects where doors, porches, and windows are located. Unless there are special circumstances that require additional height, such as the location is in or near a floodplain, the foundation height for new construction should be consistent with nearby buildings.
- **2. Be Consistent with Surrounding Entry Locations:** Main entries should be visible from the street. Entries should not be hidden, obscured, or missing from the main street elevation (front). The entry should reflect a similar characteristic to those that surround it, such as formal or casual, recessed or flush, narrow or wide.
- **3. Where Appropriate, Include Porches or Stoops:** Use context to determine if front porches are consistent elements used in the neighborhood. If so, add porches or stoops to new construction.
- **4. Coordinate the Location and Door Style of Balconies with the Surrounding Neighborhood:** Balconies are common architectural elements in some neighborhoods,



Department of Metropolitan Development
Division of Planning
Current Planning

- but uncommon in others. Balconies along the street should be used when appropriate. When a balcony is used, consider the appropriate door access for the type of balcony. For example, Juliet balconies, which are intended to bring the outside in, make the most sense when French doors are used.
- **5. Consider Nearby Roof Styles:** The basic outline of a new building should reflect building outlines typical of the area. Roof selection and overall height contribute to the building outline. Select roof shapes that are frequently used in the neighborhood.
 - **6. Fenestration Should Relate to the Surrounding Context:** Windows and doors should be arranged on buildings so as not to conflict with the basic fenestration patterns in the neighborhood. The proportion of glass (windows) to solid materials (wood, bricks, and other materials) which is found within the surrounding context should be reflected in new construction. Every elevation (sides and rear) should have windows on each story to help break up the monotony of the façade.
 - **7. Materials Used Should Reflect the Context of the Neighborhood:** Introducing new materials that are not used in the existing context should be done in a way where those materials are not the dominant material and make up less than 30% of the overall façade design.
 - **8. Consider Unique Neighborhood Features:** In addition to the architectural features mentioned above, consider other common features like chimneys, dormers, gables, and overhanging eaves that shape the character of a neighborhood. When possible, include these features into new construction.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- The site falls within the Indy Greenways Full Circle Master Plan, Part One (2014).
- There is a proposed multi-use greenway, called the Monon-Pogue's Connector -16th St to Commerce from Dr. A J Brown Avenue to Pogue's Run Greenway.



ZONING HISTORY

Zoning History – Vicinity

2022-CZN-837 / 2022-CVR-837; 1450 East 16th Street and 1607 North Arsenal Avenue (east of site), Rezoning of 0.31 acre from the C-5 district to the D-8 district to provide for residential uses and Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of eight residential townhome lots with five-foot front building lines (ten feet required), five-foot corner side setbacks (eight feet required), five-foot rear setbacks (fifteen feet required), a floor area ratio of 0.87 (maximum 0.6 required), a livability space ratio of 0.35 (minimum 0.55 required), with four of the units without public street frontage (not permitted), with front-loaded garages (not permitted), and encroachment into the clear-sight triangles of the abutting streets and alley (not permitted), **approved and granted.**

2022-ZON-088 / 2022-VAR-008; 1449 East 16th Street and 1549 & 1553 North Arsenal Avenue (southeast of site), Rezoning of 0.47 acre from the C-5 district to the D-9 district to provide for a multi-family development and Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a multi-family development with a five-foot rear setback (10 feet required) with a floor area ratio of 0.87 (maximum floor area ratio 0.50 required) and a minimum livability space ratio of 0.31 (minimum 0.75 ratio required), **approved and granted.**

2021-CZN-862A; 1609 Dr A J Brown Avenue (northwest of site), Rezoning of 0.097 acre from the C-5 district to the D-8 classification, **withdrawn.**

2021-CZN-862B; 1601 and 1605 Dr A J Brown Avenue (west of the site), Rezoning of 0.208 acre from the C-5 district to the MU-2 classification, **withdrawn.**

2018-CZN-840; 1554 Arsenal Avenue (south of the site), Rezoning of 0.15 acre from the C-5 district to the D-8 classification, **approved.**

EXHIBITS





Photo of the subject site looking west from Arsenal Avenue.



Photo of the subject site looking north from 16th Street.



Photo of the alley and undeveloped lot west of the site.



Photo of the single-family dwellings north of the site.



Photo of an undeveloped lot east of the site.



Photo of the commercial property south of the site.



METROPOLITAN DEVELOPMENT COMMISSION **March 13, 2025**
HEARING EXAMINER

Case Number: 2024-ZON-013
Property Address: 240 East 22nd Street
Location: Center Township, Council District #13
Petitioner: Zinkan Enterprises, by Russell L. Brown and Elizabeth Bentz Williams, AICP
Request: Rezoning of 0.27 acre from the D-8 district to the MU-2 district to provide for a mixed-use development.
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

A timely automatic **continuance was filed by the petitioner’s representative that would continue these petitions from the March 13, 2025 hearing, to the April 10, 2025 hearing.** This would require acknowledgement from the Hearing Examiner.



METROPOLITAN DEVELOPMENT COMMISSION **March 13, 2025**
HEARING EXAMINER

Case Number: 2025-CAP-804 / 2025-CVR-804
Property Address: 324 West Morris Street and 325 Wilkins Street (Approximate Addresses)
Location: Center Township, Council District #18
Petitioner: Kaur Properties, LLC, by Adam DeHart
Current Zoning: C-S

Request: Modification of commitments and site plan related to 2019-CZN-827, to provide for revised building footprint, indoor and outdoor amenities, minor site revisions, pedestrian access revisions, and a revised shared parking lot.

Variance of Development Standard of the Consolidated Zoning and Subdivision Ordinance to provide for a zero-foot front setback from Wilkins Street, with no landscaping (10-foot front setback required, minimum six-foot landscaping along the entire frontage required and one tree per 35 feet of street frontage required), no landscaping along Missouri Street (minimum six-foot landscaping along the entire frontage required and one tree per 35 feet of street frontage required), no interior landscaping within the parking area (minimum landscaping consisting of 6% land area within parking area required), a zero-foot south side yard setback (10-foot side yard setback required), and the installation of landscaping within the right-of-way (not permitted).

Current Land Use: Gas Station, Convenience Store, and Undeveloped

Staff Recommendations: To be determined.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was continued for cause from the February 20, 2025 hearing to the March 13, 2025 hearing at the request of the petitioner to allow staff additional time to review new information submitted to the case file.

Staff is requesting a **continuance for cause from the March 13, 2025 hearing to the April 10, 2025 hearing** to allow the petitioner additional time to submit staff's request for new information regarding the Green Factor and building elevations. The request will be with notice if the petition is amended. The petitioner has agreed to staff's continuance request.

STAFF RECOMMENDATION

Staff recommendation to be determined.



**Department of Metropolitan Development
Division of Planning
Current Planning**

PETITION OVERVIEW

This petition is to be continued to the April 10, 2025 hearing.



METROPOLITAN DEVELOPMENT COMMISSION **March 13, 2025**
HEARING EXAMINER

Case Number: 2025-CVR-810 / 2025-CPL-810

Property Address: 1222 North Temple Avenue (Approximate Address)

Location: Center Township, Council District #13

Petitioner: Maurice K. Kistler and Vivian R. Kistler, by John Cross

Current Zoning: D-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a 38.5-foot lot width and zero-foot south side setback at the walkway for proposed Lot One, a 36.53-foot lot width for proposed Lot Two (minimum 40-foot lot width required for each lot and five-foot side setback required).

Approval of a Subdivision Plat to be known as Replat of Lot 48 in Vajens Springdale Subdivision, subdividing 0.32-acre into two lots.

Current Land Use: Single-family dwelling

Staff Recommendations: To be determined.

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

A timely **automatic continuance** request was filed by a registered neighborhood organization, continuing this petition **from the March 13, 2025 hearing to the April 10, 2025 hearing**. This would require acknowledgement from the Hearing Examiner.

STAFF RECOMMENDATION

Staff recommendation to be determined.

PETITION OVERVIEW

This petition is to be continued to the April 10, 2025 hearing.



METROPOLITAN DEVELOPMENT COMMISSION **March 13, 2025**

Case Number: 2025-CZN-811 / 2025-CVC-811

Property Address: 1708 East 10th Street and 1017 Windsor Street (*Approximate Addresses*)

Location: Center Township, Council District #13

Petitioner: RG Holdings, LLC, and Jackson Control Properties, by David Kingen and Emily Duncan
 Rezoning of 0.67-acre from the D-8 and C-3 districts to the MU-1 district for a mixed-use development.

Request: Vacation of the first east-west valley north of 10th Street, being 15 feet in width, beginning at the east right-of-way line of Windsor Street, east 150 feet, to the west right-of-way line of the first north-south alley east of Windsor Street, with a waiver of the assessment of benefits.

Staff Reviewer: Desire Irakoze, Principal Planner II

CONTINUANCE

The petitioner is requesting a continuance for cause, continuing this petition from the March 13, 2025, hearing, to the April 10, 2025, hearing to allow for additional information to be reviewed.



METROPOLITAN DEVELOPMENT COMMISSION **March 13, 2025**
HEARING EXAMINER

Case Number: 2024-CVR-850 (Amended)

Property Address: 601 South Tibbs Avenue

Location: Wayne Township, Council District #17

Petitioner: Dave’s Mechanic Shop, LLC, by David Kingen and Justin Kingen

Current Zoning: D-5

Request: Variance of Use and Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow Automobile, Motorcycle, and Light Vehicle Service or Repair in a D-5 (FF) district (not permitted) and outdoor storage of six 40-foot by eight-foot shipping containers and two commercial vehicles; a five-foot south side transitional yard (10 feet required), and a three-foot rear transitional yard (10 feet required).

Current Land Use: Dwelling / Vehicle Repair

Staff Recommendations: Approval of the variance of use, reduced setbacks, and storage of two commercial vehicles (20-foot-long trailer and 16-foot box truck), subject to the commitments noted below. Denial of the outdoor storage of six shipping containers.

Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

The Hearing Examiner acknowledged the timely automatic continuance filed by the City County Counselor that continued the petitions from the December 19, 2024 hearing, to the January 23, 2025 hearing.

The Hearing Examiner continued these petitions from the January 23, 2025 hearing, to the February 27, 2025 hearing, at the request of staff and the petitioner’s representative. Subsequently, the requested rezoning petition was withdrawn and acknowledged by the Hearing Examiner. The variance request was amended to include a use variance, which required a continuance from the February 27, 2025 hearing, to the March 13, 2024 hearing, with required notice.

STAFF RECOMMENDATION

Approval of the use variance to allow automobile, motorcycle, and light vehicles service or repair, reduction of the south side and rear transitional yards and the parking of two commercial vehicles, subject to the following commitments being reduced to writing on the Board of Zoning Appeals' Exhibit "A" form:



**Department of Metropolitan Development
Division of Planning
Current Planning**

1. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.
2. The site shall be developed in substantial compliance with the site plan file-dated February 12, 2025.

Staff recommends denial of outdoor storage of six 40-foot by eight-foot shipping containers. Staff, however, understands that that this request **will be withdrawn at the hearing**.

PETITION OVERVIEW

This 0.93-acre site, zoned D-5, is developed with a single-family dwelling and three detached garages associated with a vehicle repair business. It is surrounded by single-family dwellings to the north and south, zoned D-5; undeveloped land to the east, zoned D-5; and single-family dwellings to the west, across South Tibbs Avenue, zoned D-4.

VARIANCE OF USE

The use variance request would allow for the continued use of the site as a residential use and vehicle repair business.

The Comprehensive Plan recommends light industrial typology for the site. "These industrial uses create minimal emissions of light, odor, noise, or vibrations. Examples include warehousing and logistics facilities. These land uses do not use, store, produce, emit, or transport hazardous materials."

Based on aerials, it appears that the car repair business began operating during 2020. A complaint was filed in October 2024, followed by an investigation that resulted in a zoning violation (VIO24-007639) that identified zoning violations including storage of inoperable vehicles, outdoor storage of vehicle parts, storage of a commercial vehicle, storage of a commercial dumpster, storage of construction materials, repair of vehicles in the D-5 district, lack of required landscaping and unpaved area.

Petitions were filed in November 2024 to address the violations.

Documents filed related to this request indicate that the owner of the business would continue to live in the dwelling while using the site for his vehicle repair business. The site plan file dated February 12, 2024, identifies the location of the dwelling and three detached garages totaling 4,389 square feet. Six eight-foot by 40-foot shipping containers are proposed at the northeast corner of the site for storage.

A six-foot tall privacy fence and eight parking spaces would be provided along the southern boundary.

Given the Comprehensive Plan recommendation of light industrial, the existing site development, and proposed privacy fence along the southern boundary, staff believes that use variance and reduced transitional yards would be supportable.



**Department of Metropolitan Development
Division of Planning
Current Planning**

The request would also provide for the storage of two commercial vehicles, including a 20-foot-long trailer and 16-foot box truck. Staff understands that these two commercial vehicles would be parked near the garage located to the rear of the property. An updated site plan will be submitted indicating the parking location of these commercial vehicles. Because these vehicles are relatively small and an integral part of the business, staff supports this variance.

The petitioner's representative submitted a list of prohibited land uses and commitments. Presumably these documents were the result of discussions with neighborhood groups and interested parties.

Floodway / Floodway Fringe

This site has a secondary zoning classification of Floodway Fringe (FF). The designation of the FF District is to guide development in areas subject to potential flood damage, but outside the Floodway (FW) District. However, this site lies within the unregulated 500-year floodway fringe.

Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.



Department of Metropolitan Development
 Division of Planning
 Current Planning

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

GENERAL INFORMATION

Existing Zoning	D-5		
Existing Land Use	Single-family dwelling / vehicle repair / accessory buildings		
Comprehensive Plan	Light Industrial		
Surrounding Context	Zoning	Land Use	
	North:	D-5	Single-family dwellings
	South:	D-5	Single-family dwellings
	East:	D-5	Undeveloped land
	West:	D-4	Single-family dwellings
Thoroughfare Plan			
South Tibbs Avenue	Secondary Arterial	Existing 55-foot right-of-way and proposed 80-foot right-of-way.	
Context Area	Compact		
Floodway / Floodway Fringe	Yes – 500-year unregulated floodplain of White River		
Overlay	No		
Wellfield Protection Area	No		
Site Plan	November 17, 2024		
Site Plan (Amended)	February 12, 2025		
Elevations	N/A		
Elevations (Amended)	N/A		
Landscape Plan	N/A		
Findings of Fact	November 17, 2024		
Findings of Fact (Amended)	N/A		
C-S/D-P Statement	N/A		

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Light Industrial typology. “The Light Industrial typology provides for industrial, production, distribution, and repair uses conducted within enclosed structures and unlikely to create emissions of light, odor, noise, or vibrations. This typology is characterized by freestanding buildings or groups of buildings, often within industrial parks. Typical uses include warehousing, self-storage, assembly of parts, laboratories, wholesaling, and printing. Industrial or truck traffic should be separated from local/residential traffic.”



Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

Light Industrial Uses

- Industrial truck traffic should not utilize local, residential streets.
- Streets internal to industrial development must feed onto an arterial street.
- Removed as a recommended land use where they would be adjacent to a living or mixed-use typology.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”

The following listed items describe the purpose, policies and tools:

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW).



**Department of Metropolitan Development
Division of Planning
Current Planning**

- Identify roadways for planned expansions or new terrain roadways.
- Coordinate modal plans into a single linear network through its GIS database.



ZONING HISTORY

2024-ZON-106; 511 and 600 South Tibbs Avenue (north of site), requested rezoning of 2.33 acres from the I-2 (FF) district to the C-7 (FF) district to provide for heavy truck services and parking, **denied**.

99-UV3-105, 505 South Tibbs Avenue (north of site), requested a variance of development standards of the Commercial Zoning Ordinance and the Industrial Zoning Ordinance to legally establish a gravel parking lot for truck and trailers, associated with truck and tractor sales and a variance of use and development standards of the Industrial Zoning Ordinance to provide for truck and trailer sale, **granted**.

94-Z-16; 511 South Tibbs Avenue (north of site), requested rezoning of 2.4 acres from the D-5 district to the I-2 S districts, to provide for the construction of a small office and facility for the storage of vehicles / equipment and minimal outside storage of equipment for an environmental contracting firm, **approved**.

78-UV1-21; 505 South Tibbs Avenue (north of site), requested a variance of use to permit automobile salvage business, **granted**.

71-V1-28; 505 South Tibbs Avenue (north of site), requested a variance of use to permit a vehicle and equipment rental business, wrecking and demolition business, business offices, sanitary landfill, excavation, and the storage of used and wrecked automobiles, **granted**.

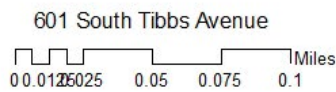
70-V3-62; 505 South Tibbs Avenue (north of site), requested a variance of development standards to permit the construction of a garage, **granted**.

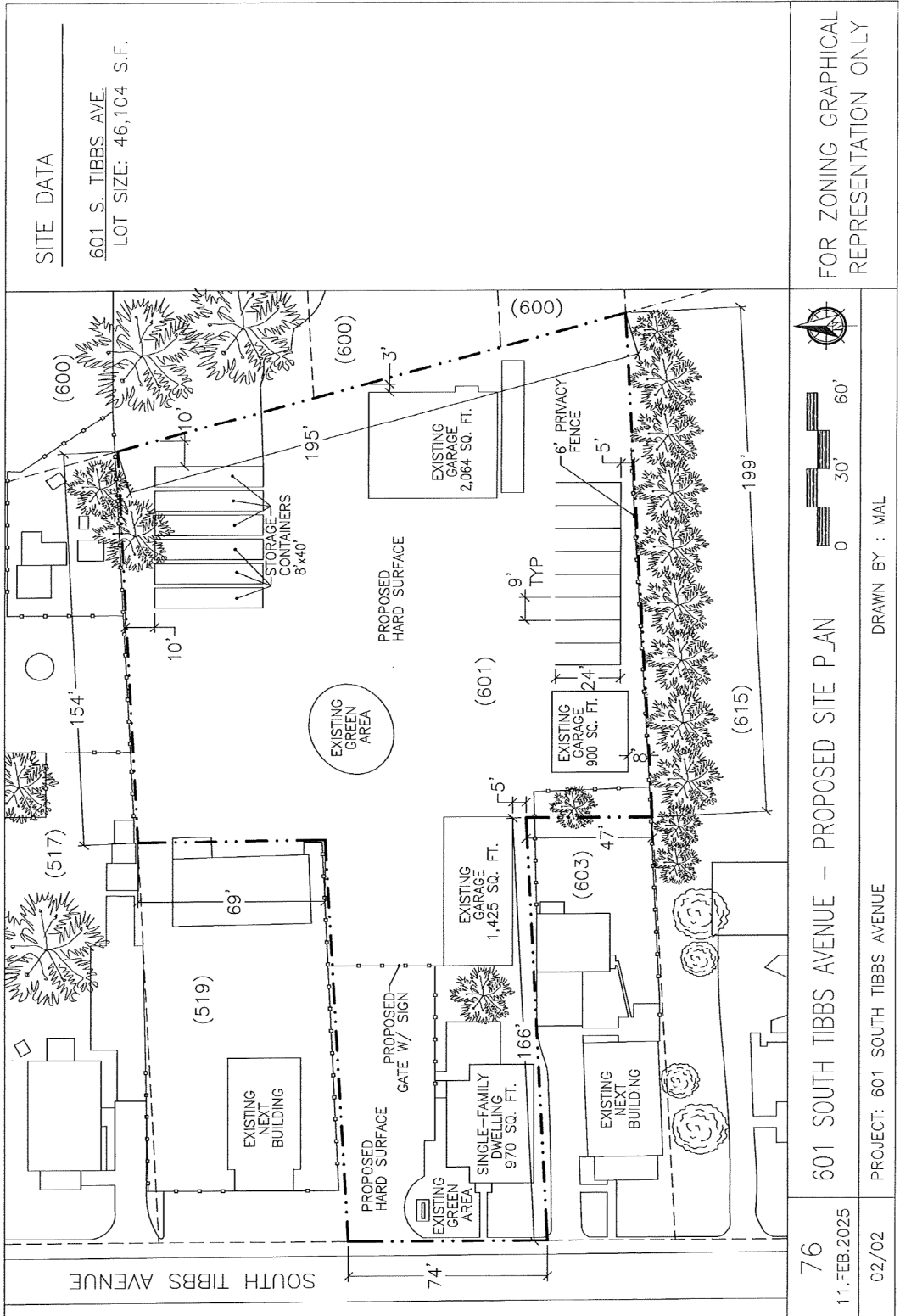
67-UV2-242; 505 South Tibbs Avenue (north of site), requested a variance of use to permit the operation of a landfill **granted (temporary)**.

EXHIBITS



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NP, Can, Esri Japan, ENVI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NOAA, OpenStreetMap contributors, and the GIS User Community

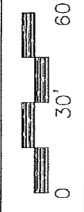




SITE DATA

601 S. TIBBS AVE.
 LOT SIZE: 46,104 S.F.

FOR ZONING GRAPHICAL
 REPRESENTATION ONLY



76 601 SOUTH TIBBS AVENUE – PROPOSED SITE PLAN

DRAWN BY : MAL

11.FEB.2025

PROJECT: 601 SOUTH TIBBS AVENUE

02/02



601 South Tibbs Avenue

Excluded Uses

- Auto storage / Auction
- Fueling Station
- Heliport / Helistop
- Truck Stop
- Commercial Parking Lot

601 South Tibbs Avenue
Commitments

1. A 6' privacy fence will be installed along the south property line, per the site plan on file.
2. All gravel areas will be hard surfaced with asphalt within a year of the variance petition's letter of grant date.
3. A secured automated gate will be installed within 90 days of the variance petition's letter of grant. The gate will remain closed except for when autos are entering or exiting the business.
4. All vehicle repairs will take place inside the garages on site. No outdoor repairs will be performed.
5. No lighting will be projected off of the site.
6. The existing residential structure will remain residential in nature and continue to be used as a residence. No office use will be permitted in the home.
7. The proposed shipping containers will not contain foundations nor be affixed permanently to the property in any manner.

2.7.25



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

Over the past few decades this site has operated with commercial / light industrial uses. This various of use would allow the property owner to live in the residential structure while operating his small business out of the rear of the property.

The granting of this variance of use with not be injurious to the public due to the fact that the front of the property will be used residentially and the rear of the property will be used with the auto repair business.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

The use and value of the area adjacent to the property will not be adversely affected due to the fact that heavy commercial & industrial uses have existed on the site and in the area for several decades.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

This property has been operated as a business with a residential structure on the site since the 1970s. This variance would allow for the existing business to be compliant and for the business owner and his family to live in the residential structure.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

According to historical maps, a number of commercial uses have existed on the site dating back as far as the 1970s. This variance of use petition would legally establish those uses so that the site could continue to function as it has for over 40 years.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

This variance of use is seeking to be granted with a companion petition to rezone the subject site to I-2 (Light Industrial) which the Marion County Pattern Book (2019) recommends. This site and several in the immediate area have contained heavy commercial uses over the years and therefore the granting of this variance of use will not interfere with the historic and existing uses in the area.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____



Department of Metropolitan Development
Division of Planning
Current Planning

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The properties to the north and south of the subject site are both used and recommended for light industrial. Despite this, those properties are residentially zoned and therefore transitional yards are required. If those properties were zoned as they are recommended to be, then the requirement for the transitional yards would not exist. The structures that exist on the site predate the zoning ordinance and therefore the reduction of the required transitional yard on the east and west side of the site are necessary to bring those structures into compliance with the pending petition to rezone the property to I-2, as recommended by the Marion County Pattern Book (2019)

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The use of the area adjacent to the property will not be negatively affected as the subject site will continue to be used residentially with a small heavy commercial business operating in the rear of the property as it has done since the 1970s. The reduction of the transitional yards is necessary to bring the property into compliance with the current zoning ordinance if the companion petition to rezone the property to I-2 (as recommended) is approved.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The properties to the north and south of the subject site are both used and recommended for light industrial. Despite this, those properties are residentially zoned and therefore transitional yards are required. If those properties were zoned as they are recommended to be, then the requirement for the transitional yards would not exist.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____



View looking south along South Tibbs Avenue



View looking north along South Tibbs Avenue



View of site looking east across South Tibbs Avenue



View of site looking southeast across South Tibbs Avenue



View looking northeast across South Tibbs Avenue at adjacent property to the north



METROPOLITAN DEVELOPMENT COMMISSION **March 13, 2025**
HEARING EXAMINER

Case Number: 2025-ZON-009

Property Address: 3813 North Sherman Drive (Approximate Address)

Location: Washington Township, Council District #8

Petitioner: Haben Ghebremichael Davis

Current Zoning: D-3

Request: Rezoning of 0.79-acre from the D-3 (TOD) district to the C-3 (TOD) district to provide for commercial uses.

Current Land Use: Childcare facility

Staff Recommendations: Approval

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the request.

PETITION OVERVIEW

LAND USE

The 0.79-acre subject site is developed with a single-family building, detached garage, and parking area.

It is bordered to the north and east by single-family dwellings, zoned D-3, a dental office to the west, zoned C-3, and a commercial shopping center to the south, zoned C-4.

REZONING

The request would rezone the site from the D-3 district to the C-3 district to provide for commercial uses, specifically a childcare facility at this location.

The D-3 district provides for low or medium intensity residential development. Land in this district should have good thoroughfare access, be relatively flat in topography, and be afforded pedestrian linkages to community and neighborhood services and facilities (schools, parks, shopping areas, etc.). Recreational facilities developed for the neighborhood complement the treed yards on the individual lots.



**Department of Metropolitan Development
Division of Planning
Current Planning**

Predominantly single-family detached dwellings are envisioned with two-family dwellings on corner lots in this district. The D-3 district has a typical density of 2.6 units per gross acre. This district fulfills the low-density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife.

The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail, and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

STAFF ANALYSIS

The approval of the rezoning would allow for the commercial use of the site for a childcare facility that would not otherwise be permitted in the current D-3 district.

Per the Plan of Operation, the facility will have a total of 13 employees to include the director, four lead teachers, six assistant teachers, one kitchen staff and a custodian. The hours of operation will be Monday through Friday from 5:00 P.M to 10:00 P.M. and closed Saturday and Sunday.

The facility is licensed for a total of 39 children. Based on the room sizes and ages of the children, the following is the breakdown for classroom capacities:

- Room 1: Ages 3-5 years, maximum capacity of 11 children
- Room 2: Infants, maximum capacity of 8 children
- Room 3: Ages 1-2 years, maximum capacity of 10 children
- Room 4: Ages 6-12 years, maximum capacity of 10 children

Staff was not initially provided a site plan to see the layout of the site, but the petitioner provided further details regarding the proposed parking on site. According to the petitioner, there are approximately 11 parking spaces on site. The parking requirement for a day care center is one per 400 square feet at minimum and one per 200 square feet at maximum. If the basement is the same size as the main floor measuring approximately 30 feet by 50 feet or 1,500 square feet per the site plan, then 11 parking spaces would fall between the minimum of seven spaces and maximum of 15.



**Department of Metropolitan Development
Division of Planning
Current Planning**

The petitioner will need to have the accurate parking sizes and spaces called out on the site plan when filing for permits. Additionally, all requirements of a licensed day care center will need to be met such as any outdoor play area needed.

The Comprehensive Plan recommends community commercial development of the site which would align with the proposed C-3 rezoning. Furthermore, the site is located along a bus line that runs north and south along Sherman Avenue and is within a ¼ mile walking distance from a Purple Line Bus Rapid Transit station at 38th Street and Sherman Drive.

The site is ideal for commuters to have immediate access for a childcare service to and from their way to work.

Staff understands the need for and importance of this service to the community and recommends approval of the request.

GENERAL INFORMATION

Existing Zoning	D-3 (TOD)	
Existing Land Use	Childcare facility	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
North:	D-3	Residential (Single-family dwelling)
South:	C-4	Commercial
East:	D-3	Residential (Single-family dwellings)
West:	C-3	Dental Office
Thoroughfare Plan		
Sherman Drive	Primary Arterial Street	56-foot proposed right-of-way and 80-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	March 3, 2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Purple Line Transit-Oriented Development Strategic Plan (2021)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends community commercial development of the site.
- The Community Commercial typology provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.
- **Conditions for All Land Use Types**
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer. All development should include sidewalks along the street frontage.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - Outdoor display of merchandise should be limited. If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
 - Should be located along an arterial or collector street.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- **Small-Scale Schools, Places of Worship, Neighborhood Serving Institutions/Infrastructure, and Other Places of Assembly**
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Schools should not be within 1000 feet of a highway, freeway, or expressway.
- The site is located within the Transit Oriented Development (TOD) overlay as well, which is intended for areas within walking distance of a rapid transit station. The purpose of this overlay is to promote pedestrian connectivity and a higher density than the surrounding area.
- The recommended uses applicable to the site are modified in this overlay as follow:
 - **Small-Scale Offices, Retailing, and Personal or Professional Services -** Development should be supportive of pedestrian activity (e.g. compact, connected to a pedestrian system, no more than one third of the frontage used for parking.)
- The proposed commercial district would align with the community commercial development recommendation of the site and would be comparable to small-scale schools and neighborhood serving institutions.



Red Line / Blue Line / Purple Line TOD Strategic Plan

- The site falls within the Purple Line Transit-Oriented Development Strategic Plan (2021).
- The closest station is within a ¼ mile from the site at 38th Street and Sherman Drive and is classified as a community center typology. The characteristics of this typology are a dense mixed-use neighborhood center, minimum of two stories at core, no front or side setbacks at core with zero to 10-foot front setbacks and zero to 10-foot side setbacks at the periphery. Multi-family housing with a minimum of three units and structured parking at the core and attractive surface parking at the periphery are also included.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.



ZONING HISTORY

Zoning History – Vicinity

2004-UV1-023; 3850 and 3896 North Sherman Drive (northwest of site), Variance of Use of the Commercial Zoning Ordinance and a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for a multi-family dwelling complex with eighteen buildings with three units each (not permitted in the C-3 district), with a minimum five-foot front yard setback from the proposed right-of-way of North Sherman Drive (minimum forty-foot setback from the proposed right-of-way required), and with parking and maneuvering area in the public right-of-way of East 39th Street (not permitted), with a five-foot west side yard setback (minimum fifteen-foot side yard setback required), with parking and maneuvering area in the south perimeter yard (not permitted), and with an interior access drive located six feet from a structure (minimum ten-foot separation required), **granted**.

91-UV3-85; 3702 East 38th Street (west of site), Variance of Development Standards of the Commercial Zoning Ordinance to permit the construction of a drug store with parking and driveways within side and rear transitional yards with a total of 236 parking spaces (288 parking spaces required) and a variance of development standards of the Sign Regulations of Marion County to permit the placement of two free standing pole signs within the right-of-way, **granted**.

91-Z-123; 3702 East 38th Street (west of site), Rezoning of 5 acres, being in the C-2 District, to the C-3 classification, to permit commercial development, **approved**.

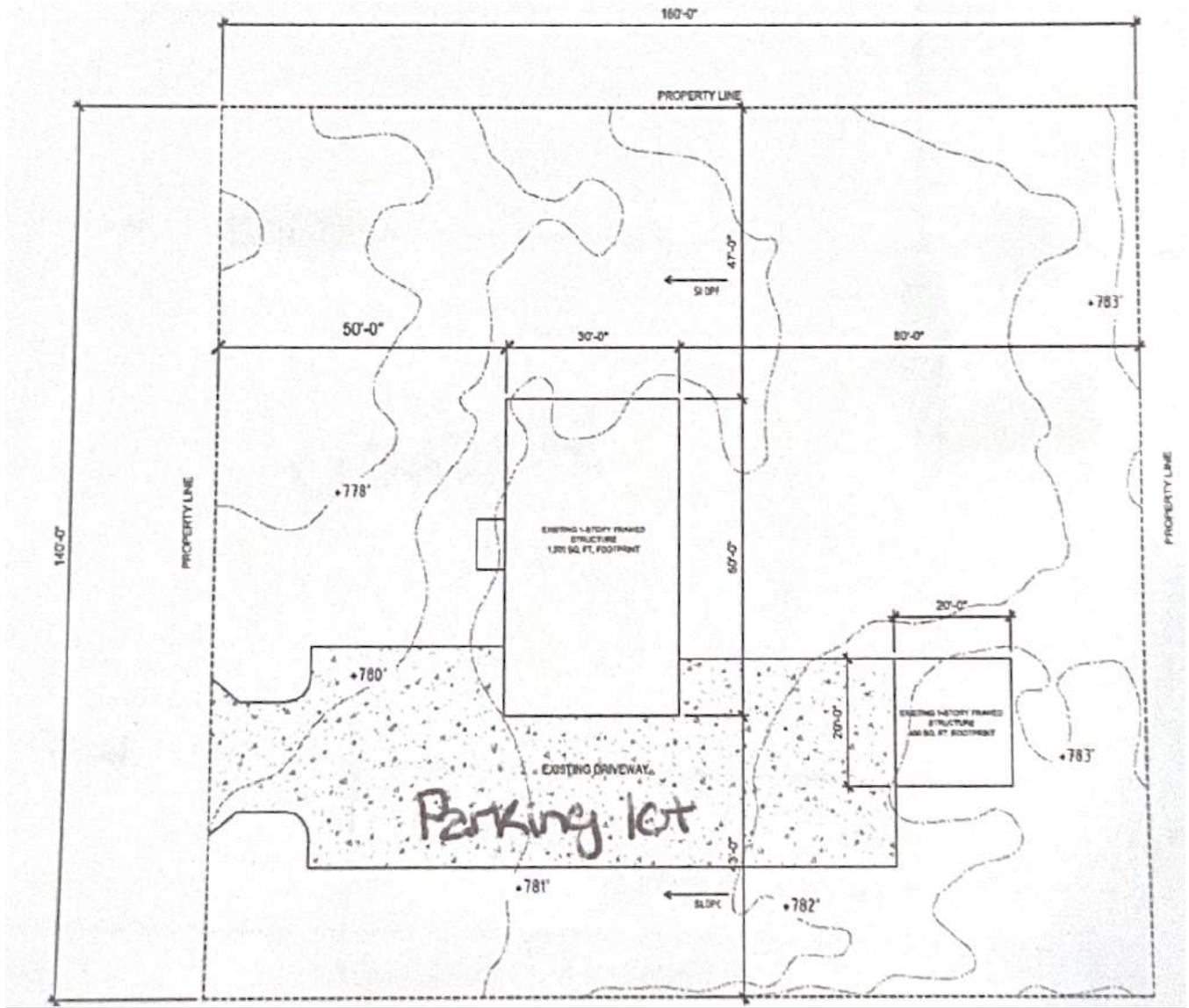
85-Z-218; 3820 North Sherman Drive (west of site), Rezoning of 5.04 acres, being in D-2, D-8 and C-4 Districts, to the C-2 classification, to permit commercial development, **approved**.

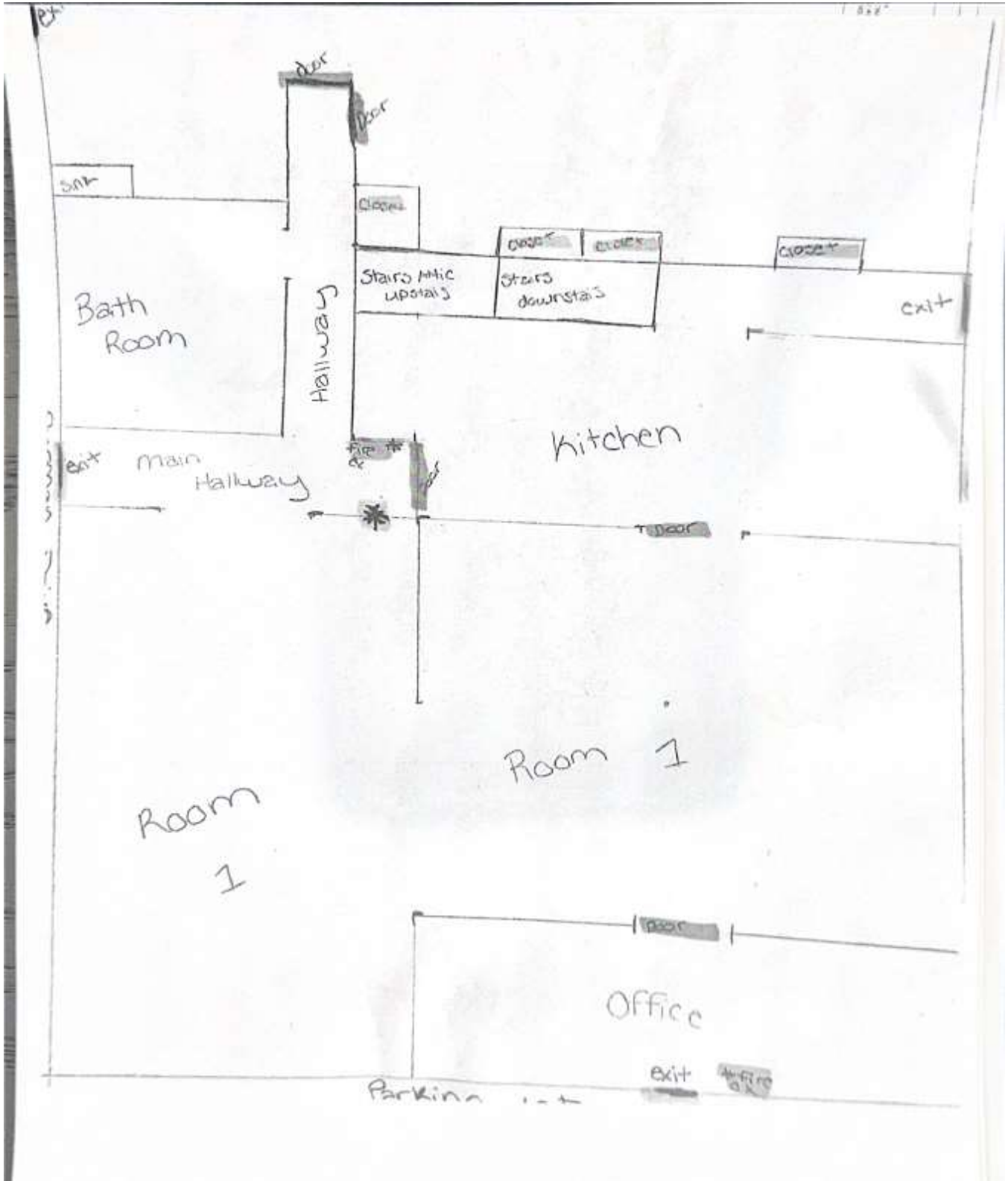
69-Z-172; Northeast corner of East 38th Street and Sherman Drive (south of site), Rezoning of 0.55 acre, being in U-1 district to C-3 classification to provide for the construction of a gasoline service station, **approved**.



Department of Metropolitan Development
Division of Planning
Current Planning











Kiddiegarden Learning Academy's Plan of Operation

Daycare Name: Kiddiegarden Learning Academy

Location: 3813 N Sherman Dr, Indianapolis, IN 46226

Licensed Capacity: 39 children

Hours of Operation: Monday to Friday: 5:00 AM – 10:00 PM

- Saturday and Sunday: Closed

Meals Provided:

- Breakfast

- AM Snack

- Lunch

- PM Snack

- Dinner

Staffing:

- Total Employees: 13

- 1 Director

- 4 Lead Teachers

- 6 Assistant Teachers

- 1 Kitchen Staff

- 1 Custodian

Mission Statement:

At Kiddiegarden Learning Academy, we are committed to providing a safe, nurturing, and engaging environment for children. Our mission is to foster the emotional, social, and cognitive development of each child through a play-based curriculum that promotes creativity, curiosity, and a love for learning.



Department of Metropolitan Development
Division of Planning
Current Planning

Objectives:

1. Safety First: Ensure all children are in a safe, clean, and secure environment at all times.
2. Nutritious Meals: Provide healthy, balanced meals and snacks that meet the dietary needs of children.
3. Developmentally Appropriate Practices: Implement a curriculum that supports the developmental milestones of children in various age groups.
4. Engaged Parents: Keep parents informed and involved in their child's learning and development through regular communication and events.
5. Qualified Staff: Hire and retain well-trained, enthusiastic staff members who are passionate about early childhood education.

Daily Schedule:

Morning Sessions:

- 5:00 AM - 7:00 AM: Arrival, Free Play, and Breakfast
- 7:00 AM - 9:00 AM: Structured Learning Activities (Art, Music, Literacy)
- 9:00 AM - 10:30 AM: Outdoor Play / Gross Motor Activities
- 10:30 AM - 11:00 AM: AM Snack

Midday Sessions:

- 11:00 AM - 12:00 PM: Educational Activities (Circle Time, Storytelling)
- 12:00 PM - 1:00 PM: Lunch
- 1:00 PM - 3:00 PM: Nap/Quiet Time

Afternoon Sessions:

- 3:00 PM - 4:00 PM: PM Snack and Free Play
- 4:00 PM - 6:00 PM: Themed Learning Activities (Science, Math, Nature Exploration)
- 6:00 PM - 8:00 PM: Outdoor Play / Free Play
- 8:00 PM - 9:00 PM: Dinner
- 9:00 PM - 10:00 PM: Wind Down Activities (Storytime, Relaxation)



Department of Metropolitan Development
Division of Planning
Current Planning

Staffing Plan:

- Director: Responsible for overseeing the daycare's daily operations, including curriculum development, staff management, and parent communication.
- Lead Teachers: Plan and implement educational activities for their assigned age groups, ensuring developmental goals are met.
- Assistant Teachers: Aid lead teachers in classroom activities, supervision, and preparation of materials.
- Kitchen Staff: Prepare and serve healthy meals and snacks while maintaining a clean and safe kitchen environment.
- Custodian: Ensures the cleanliness and safety of the facility, adhering to health and safety standards.

Health and Safety Policies:

1. Emergency Preparedness: Conduct regular fire, tornado, and lockdown drills; maintain clear evacuation routes.
2. Health Checks: Daily health screenings for children upon arrival to monitor for illness.
3. Nutrition Standards: Meals follow USDA nutrition guidelines; accommodate special dietary needs as necessary.
4. Child-to-Staff Ratios: Maintain appropriate staff-to-child ratios as per state licensing requirements to ensure safe supervision.
5. Background Checks: All employees undergo thorough background checks and training in CPR and First Aid.

Parent Communication:

- Monthly Newsletters: Inform parents about upcoming events, important dates, and program highlights.
- Parent-Teacher Conferences: Held twice a year to discuss child development and address any concerns.
- Open-Door Policy: Parents are encouraged to visit the daycare at any time and participate in activities.



Department of Metropolitan Development
Division of Planning
Current Planning

Community Engagement:

- Family Events: Host quarterly family nights and seasonal celebrations to strengthen the community bond.
- Parent Workshops: Offer workshops on child development, nutrition, and parenting tips to support families.

Conclusion:

Kiddiegarden Learning Academy is dedicated to providing a high-quality daycare experience that prioritizes the safety, health, and education of children. With a committed team of professionals and a comprehensive operational plan, we aim to create a nurturing environment that fosters growth and a lifelong love for learning. This operation plan will guide our efforts to maintain compliance with licensing regulations and uphold our standards of excellence in early childhood education.



Photo of the subject site.



Photo of the parking area on site.



Photo of the commercial property sought of the site.



Photo of single-family dwellings north of the site.



Photo of the dental office west of the site.



METROPOLITAN DEVELOPMENT COMMISSION **March 13, 2025**
HEARING EXAMINER

Case Number: 2025-ZON-011
Property Address: 5220 Bluff Road
Location: Perry Township, Council District #22
Petitioner: Burmese American Community Institute, Inc., by Andi M. Metzel
Current Zoning: D-A
Request: Rezoning of 1.3 acres from the D-A district to the SU-38 classification to provide for a community center.
Current Land Use: Single-family dwelling / accessory buildings
Staff Recommendations: Approval, subject to the commitments noted below:
Staff Reviewer: Kathleen Blackham, Senior Planner

PETITION HISTORY

This is the first public hearing on this petition.

STAFF RECOMMENDATION

Approval, subject to the following commitments being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. A 45-foot half right-of-way shall be dedicated along the frontage of Bluff Road, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development; b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.
3. The site and improved areas within the site shall be maintained in a reasonably neat and orderly manner during and after development of the site with appropriate areas and containers / receptacles provided for the proper disposal of trash and other waste.



Department of Metropolitan Development
Division of Planning
Current Planning

PETITION OVERVIEW

This 1.3-acre site, zoned D-A, is developed with a single-family dwelling and accessory buildings. It is surrounded by a single-family dwelling to the north, zoned D-A; single-family dwellings to the south, zoned SU-38; a single-family dwelling to the east, across Bluff Road, zoned D-A; and undeveloped land to the west, zoned SU-38.

REZONING

This request would rezone the site from the D-A district to the SU-38 (Community Center) district. “No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this article and until the proposed Site and Development Plan and landscape plan have been filed with and approved on behalf of the Commission by the Administrator or approved by the Commission, as hereinafter provided.”

The Comprehensive Plan recommends suburban neighborhood typology.

As proposed this rezoning would be consistent with the Comprehensive Plan recommendation of suburban neighborhood as a large-scale community-serving institution located on a primary arterial.

Staff would note that this 1.3-acre site parcel would be included in the abutting 9.25-acre site zoned SU-38 and under the same ownership.

As development occurs Administrator Approval of development plans would be required to assure compatibility with the surrounding neighborhoods with the appropriate buffering and screening of parking and service areas to minimize impact on surrounding land uses. The Ordinance provides that the development standards required for the C-3 district would be the applicable guide in reviewing development plans.

For these reasons staff supports this request, subject to commitments related to right-of-way dedication, a tree preservation plan and keeping the site free from trash and debris.

Detailed Project Description

The detailed project description, file-dated January 28, 2025, provides details on the intended community to be served, the types of services and programs that would be offered, and the physical environment within which to provide these services and programs. See Exhibit A.



**Department of Metropolitan Development
Division of Planning
Current Planning**

Tree Preservation / Heritage Tree Conservation

There are significant amounts of natural vegetation and trees located throughout the site. Due to their inherent ecological, aesthetic, and buffering qualities, the maximum number of these existing trees should be preserved on the site.

All development shall be in a manner that causes the least amount of disruption to the trees.

A tree inventory, tree assessment and preservation plan prepared by a certified arborist shall be submitted for Administrator Approval prior to preliminary plat approval and prior to any site preparation activity or disturbance of the site. This plan shall, at a minimum: a) indicate proposed development, b) delineate the location of the existing trees, c) characterize the size and species of such trees, d) indicate the wooded areas to be saved by shading or some other means of indicating tree areas to be preserved and e) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such.

If any of the trees are heritage trees that would be impacted, then the Ordinance requires that the Administrator, Urban Forester or Director of Public Works determine whether the tree(s) would be preserved or removed and replaced.

The Ordinance defines "heritage tree" as a tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (*Acer saccharum*), Shagbark Hickory (*Carya ovata*), Hackberry (*Celtis occidentalis*), Yellowwood (*Cladrastus kentukea*), American Beech (*Fagus grandifolia*), Kentucky Coffeetree (*Gymnocladus dioica*), Walnut or Butternut (*Juglans*), Tulip Poplar (*Liriodendron tulipifera*), Sweet Gum (*Liquidambar styraciflua*), Black Gum (*Nyssa sylvatica*), American Sycamore (*Platanus occidentalis*), Eastern Cottonwood (*Populus deltoides*), American Elm (*Ulmus americana*), Red Elm (*Ulmus rubra*) and any oak species (*Quercus*, all spp.)

The Ordinance also provides for replacement of heritage trees if a heritage tree is removed or dies within three years of the Improvement Location issuance date. See Exhibit B, Table 744-503-3: Replacement Trees.

Department of Public Works

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 45-foot half right-of-way along Bluff Road. This dedication would also be consistent with the Marion County Thoroughfare Plan.

Environmental Public Nuisances

The purpose of the Revised Code of the Consolidated City and County, Sec.575 (Environmental Public Nuisances) is to protect public safety, health and welfare and enhance the environment for the people of the city by making it unlawful for property owners and occupants to allow an environmental public nuisance to exist.



**Department of Metropolitan Development
Division of Planning
Current Planning**

All owners, occupants, or other persons in control of any private property within the city shall be required to keep the private property free from environmental nuisances.

Environmental public nuisance means:

1. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;
2. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
3. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
4. Property that has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or that has otherwise been allowed to become a health or safety hazard.

Staff would request a commitment that emphasizes the importance of maintaining the site in a neat and orderly manner at all times and provide containers and receptacles for proper disposal of trash and other waste.

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Single-family dwelling / accessory buildings	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
North:	D-A	Single-family dwelling
South:	SU-38	Single-family dwellings
East:	D-A	Single-family dwelling
West:	SU-38	Undeveloped land
Thoroughfare Plan		
Bluff Road	Primary arterial	Existing 50-foot right-of-way and proposed 90-foot right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	



Site Plan	N/A
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	N/A
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

The Comprehensive Plan recommends Suburban Neighborhood typology. “The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.”

Pattern Book / Land Use Plan

The Comprehensive Plan consists of two components that include The Marion County Land Use Pattern Book (2019) and the land use map. The Pattern Book provides a land use classification system that guides the orderly development of the county and protects the character of neighborhoods while also being flexible and adaptable to allow neighborhoods to grow and change over time.

The Pattern Book serves as a policy guide as development occurs. Below are the relevant policies related to this request:

- *Conditions for All Land Use Types*
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - Hydrological patterns should be preserved wherever possible.



Department of Metropolitan Development
Division of Planning
Current Planning

- Curvilinear streets should be used with discretion and should maintain the same general direction.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- *Large-Scale Schools, Places of Worship, Community- Serving Institutions/Infrastructure, and Other Places of Assembly (defined as Schools, places of worship, and other places of assembly that are generally more than five acres in size. Particularly large centers of education such as township high schools and universities would not be included in this definition and are considered to be regional special uses.)*
 - Should be located along an arterial street.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Schools should not be within 1000 feet of a highway, freeway, or expressway.
 - Should be located within one-half mile of a bus or rapid transit stop, unless there is no bus service within the institution’s service area.
 - In predominantly platted, single-family neighborhoods, site should be at least as wide as it is deep.
 - Should be in harmony with the surrounding neighborhoods and site and screen their parking, service, and emergency vehicle areas to buffer surrounding residential uses.

Red Line / Blue Line / Purple Line TOD Strategic Plan

Not Applicable to the Site.

Neighborhood / Area Specific Plan

Not Applicable to the Site.

Infill Housing Guidelines

Not Applicable to the Site.

Indy Moves
(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

The Marion County Thoroughfare Plan (2019) “is a long-range plan that identifies the locations classifications and different infrastructure elements of roadways within a defined area.”



**Department of Metropolitan Development
Division of Planning
Current Planning**

The following listed items describe the purpose, policies and tools:

- Classify roadways based on their location, purpose in the overall network and what land use they serve.
- Provide design guidelines for accommodating all modes (automobile, transit, pedestrians, bicycles) within the roadway.
- Set requirements for preserving the right-of-way (ROW).
- Identify roadways for planned expansions or new terrain roadways.
- Coordinate modal plans into a single linear network through its GIS database.



ZONING HISTORY

2022-ZON-125; 5212 Bluff Road (south and west of site), requested rezoning of 9.24 acres from the D-A district to the SU-38 district to provide for a community center. Rezoning of 9.24 acres from the D-A district to the SU-38 district to provide for a community center, **approved**.

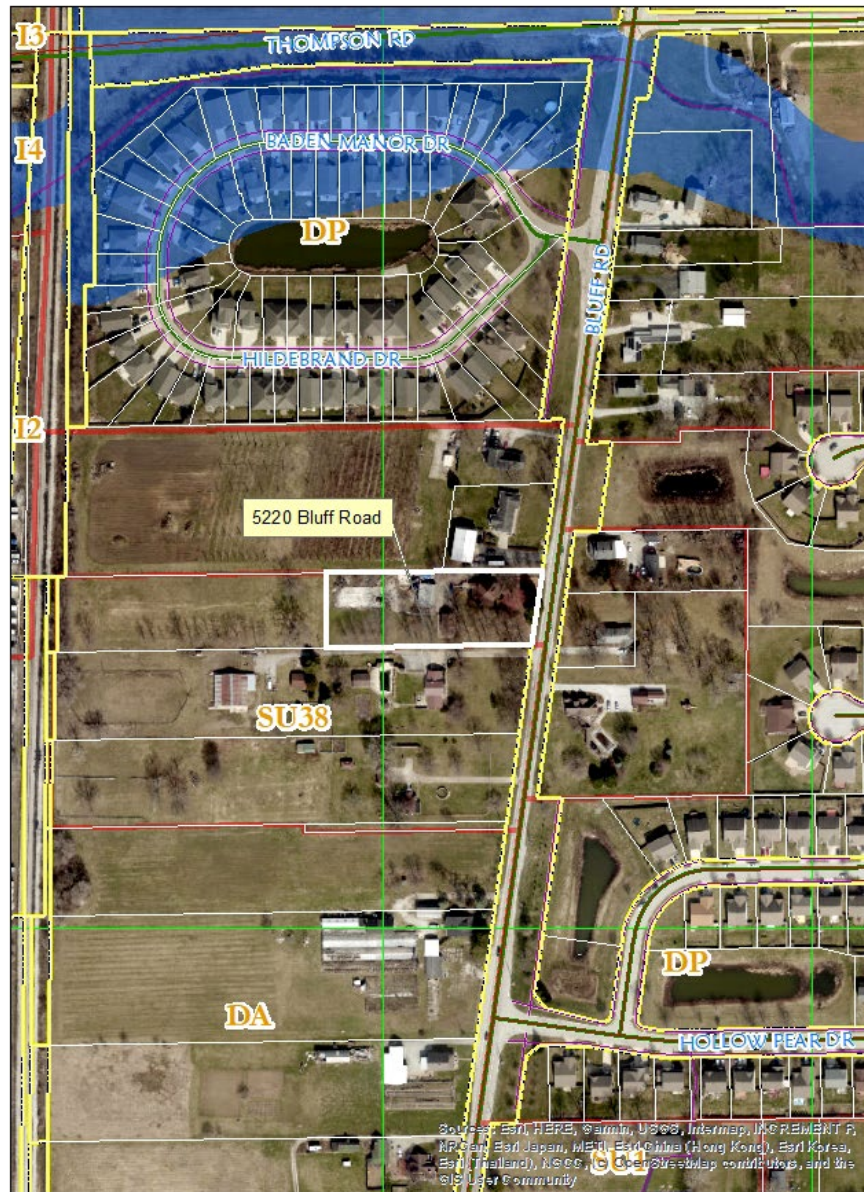
96-UV3-101; 5212 Bluff Road (south and west of site), requested a variance of use and development standards of the Dwelling districts Zoning Ordinance to legally establish three dwelling units in three separate dwelling structure on one lot, with one of the units being a 980-square foot mobile home, **granted**.

95-HOV-89; 5235 Bluff Road, (south of site), requested a variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a covered porch, with a 27-foot front setback from Bluff Road, **granted**.

87-UV3-8; 5220 Bluff Road (south of site) requested a variance of use to provide for the manufacturing of signs in an existing building, **granted**.

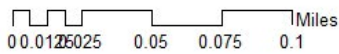
73-UV2-165; 5220 Bluff Road (south of site); requested a variance of use to provide for a plumbing business and a variance of development standards to construct a pole barn and single-family dwelling with reduced setbacks and signage, **granted**.

EXHIBITS



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Swi Korea, Esri (Thailand), NOAA, OpenStreetMap contributors, and the GIS User Community

5220 Bluff Road





Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBIT A - Detailed Project Description



*Establishing a Home for All
A Campus to Serve to Serve the Community
More Impactful Ways*

BACI's mission is to build a thriving, self-sufficient, sustainable, and integrated Burmese Community through advocacy, education, and employment.

A History of Serving the Community

Founded in 2011, the Burmese American Community Institute (BACI) is a non-profit organization that provides human services, social services, and educational and vocational support to the Burmese and newcomer community in greater Indianapolis. While the term "Burmese" refers to the people from Burma, BACI is unique for serving a wide array of refugees from eight diverse major ethnic groups in Burma: Chin, Kachin, Shan, Karenni (or Kayar), Karen, Mon, Arakan (or Rakhine), Bama (or Burman).

The BACI supports community members regionally, nationally, and globally through strategic partnerships and advocacy to connect, educate, and serve the community.



Since its inception, BACI has assisted more than 25,000 individuals through its diverse programs, including:

Employment & MicroEnterprise

We assist newcomers with their employment, training, small business start-up assistance as they become self-sufficient and allow them to give back to their communities and contribute to economic growth.

Upward College Program

The Upward College Program is an innovative year-round program with a comprehensive program design that assists area high school students with their college readiness and success.

Summer Programs

CRLD is a highly interactive, fun program, focuses on four core areas of learning and engagement, while the Scholars Program focuses on a scientific method of PAR research—solution oriented policy action.

Civic and Cultural Education

We provide English & Citizenship classes and assist newcomers with their naturalization process, including filing forms N400, G-28 etc. as well as help the community members, to become civically engaged citizens.

INDY

We help newcomers with their integration process and in effort to meet their needs by connection and information sharing through various channels, including newsletter, email mailing list, social media, referrals, and others means.

Technical Assistance Program

We help small businesses, faith-based organizations, and community-based organizations with their organization registration, organizational development, bylaws, business plan, program design and more.

Advocacy Program

BACI advocates for successful integration of newcomers through education, employment, naturalization and civic engagement, refugee protection, the advancement of the Burmese-American community, peace and democracy in Myanmar.

Civic Participation & Community Engagement

We work with the community members and partners, creating avenue, such as cultural festivals, special engagement events, voter's education talk and others whereby increasing citizen's participation and civic engagement activities.

Special Projects

BACI collaboratively work with service providers and partners to implement the special projects that benefit the community, they include research projects, service projects, integration projects, citywide, statewide, nationally and internationally.

Additionally, responsive to the emerging needs and utilizing its unique position and experience, BACI has also been serving other refugee and immigrant populations such as those from Afghanistan, Ukraine, Haiti and many other countries around the world. Thus, BACI has become a vital community resource hub that assists these populations inclusively with their self-sufficiency and success. It has served 30,000+ immigrants and their families already through national and local partnerships.

Our Vision for Serving the Community

More than 40,000 Burmese refugees have settled in Indiana, and over 30,000 call Indianapolis home. They predominantly live on the south side of Indianapolis, with smaller communities on the north and west sides of the city. Looking at the ongoing crisis in Burma and observing the trends of the refugee resettlement and other factors, the Burmese population and newcomers community in Indianapolis are expected to grow quite rapidly. These refugees count on BACI for services and advocacy.

BACI has developed a phased approach to creating a BACI Campus - International Community Center that will effectively continue serving the community as a central location where BACI's programs will be delivered and space made available to provide services for Burmese entrepreneurs.

In 2022, the BACI vision for its Campus - International Community Center began to take shape, when 9.24-acres of immediately adjacent properties located at 5212 and 5246 Bluff Road were rezoned from the D-A District to the SU-38 District. Consistent with the 2022 rezoning, BACI seeks to rezone an additional 1.3± acres at 5220 Bluff Road to further enable the BACI Campus – International Community Center to be developed.

BACI CAMPUS or INTERNATIONAL COMMUNITY CENTER CONCEPTUAL PLAN



INTERNATIONAL COMMUNITY CENTER RENDERING - BACI CAMPUS VIEW



Community Impact & Outcomes of a BACI Campus

With a vision of education for all, a stronger community, and a mission to build a thriving, integrated and developed community through advocacy, education, and employment, the BACI Campus – International Community Center will be able to engage in the following three main components in line with the BACI strategic plan 2021-2026, including:

- Enhance and grow existing programs and services: BACI will sustain and strengthen its social and educational services to the Burmese and newcomer population in central Indiana with their self-sufficiency and integration, as well as assist youth in college readiness and future success.
- Offer new programs and services: BACI will expand in new service areas that complement current programs and services and serve clients and stakeholders.
- Improve operational effectiveness and capacities: BACI will increase its effectiveness by increasing staff and exploring possibilities for a new office/community center. It will continue strengthening collaborations within the Indianapolis community, schools, funders, and partners.

Some of the expected outcomes and impact of a BACI Campus – International Community Center include:

- **Thousands of individuals** will be served annually at the BACI Campus – International Community Center.
- **300 youth** will be served each year through the Upward College Program, an innovative year-round program with a comprehensive program design that assists area high school students with their college readiness and success.
- An additional **700 K-12 students** will be served with various services, including one-time services such as assisting them with 21st Century Scholarship, Mentorship, Leadership Development, STEM, academic, social, and sports clubs.
- **100 children** will be provided childcare services and Pre-k schooling.
- **2,000 individuals** will be served through the Civic and Cultural Education Program (CCEP), which provides English & Citizenship classes and assist newcomers with their naturalization process, including filing forms N400, G-28, etc., as well as help the community members to become civically engaged citizens.
- **1,500 individuals** will be served through Employment & MicroEnterprise that assist newcomers with their job placement, job fairs, gainful employment, and training, as they become self-sufficient and allow them to give back to their communities and contribute to economic growth.
- In collaboration with post-secondary institutions, the BACI Career Pathways and Professional Development (CPPD) will train **100 young adults** over the next five years with job certification training in Indiana’s high-growth fields identified as Next Level Jobs. This will provide an estimated economic return of over \$2 million annually.
- **30 small businesses** will receive Technical Assistance and Small Business Incubation.



Department of Metropolitan Development
Division of Planning
Current Planning

- Over **500 individuals** will receive assistance with basic needs assistance such as affordable housing access, access to nutritional and healthy food, transportation, physical, behavioral health, and mental health services.
- More than **1,000 people** will be served through the community garden and food pantry on the BACI Community Center Campus.
- **400 participants** a year will be served through Refugee Resettlement and Placement Program, welcoming refugees and immigrants worldwide and assisting them with their integration.
- Over **100 youth** will participate in the BACI Upward College Summer Scholars Program/Center for Research, Policy and Innovation (CRPI) not only to help prepare the youth to succeed in their higher education but to help solve some of the most pressing issues and problems confronting the local Burmese-American community and broader society as a whole with a global perspective through a scientific method of research—Participatory Action Research. The researchers then provide solution-oriented policy action recommendations to the stakeholders to help address these fundamental problems for sustained change for the common and the greater good.
- More than **500 visitors** per year will visit the museum to learn about the people, history, diversity, and ethnicity of Myanmar and ASEAN.
- **Provide a home for partnerships and collaboration**, for activities like the **Myanmar Initiative**. Recognizing the challenges Myanmar is facing and the opportunity it offers and the unique position that BACI is in, collaborating with like-minded organizations, agencies and higher educational institutions in Indiana and USA, BACI will continue to promote strong ties between Hoosiers and the American people and the people of Myanmar and Southeast Asia through comprehensive and creative approaches including economic investments, cultural exchange and educational programs—teaching, learning and training opportunities, capacity building and professional development for teachers and emerging leaders, technical assistance for the development of constitution and institutions—with a view to laying strong foundations for democracy whereby supporting peace, sustainable development, and prosperity there in reciprocally beneficial ways and in a win-win.
- The BACI Community Center will also:
 - Serve as a hub for health fairs, various service fairs, connections, referrals, and information, helping newcomers with their integration process and meeting their needs by connection and sharing information through multiple channels, including newsletter, email mailing list, social media, referrals, and other means.
 - Serve as a hub for advocacy activities—advocating for a cohesive, vibrant, and integrated community at several levels—individual needs, community needs, and societal needs, as well as global needs to some extent.
 - Host at least **10 arts, cultural and musical performances** by Burmese community members, other immigrant and mainstream populations.
 - Community members will use the space for community meetings and gatherings.
 - Serve as host to **youth and community members** for their sports and physical activities through soccer games, volleyball games, basketball, tennis, and other sports activities.

Our Impact on People

The BACI programs and service continue to impact the lives of many in Central Indiana. Since its inception, we have been able to serve over 30,000 unduplicated persons. The following are some of the selected individual success stories:

Sarah BTC Mang participated in the BACI Upward College Program during high school and went to Indiana University Bloomington on a full-tuition scholarship. Sarah continued her education, earning a Master of Public Health (MPH) degree from Chamberlain University in Fall 2021.

Sarah is working as a service coordinator at the Central Indiana First Steps. She develops strong relationships with families, therapists, and eligibility teams within a designated territory and coordinates therapy services. She is also serving our community through BACI as a part-time Lead Instructor of English and Citizenship Class at the BACI Civic and Cultural Education Program (CCEP) Program that empowers new Americans with security in their rights and liberties by providing English and Citizenship instruction, including rights and responsibilities education.

Julie Mawi is one of the first women to participate in the BACI's first federally funded Childcare Microenterprise Development Program (CMED), where over 15 Burmese refugee women were trained to become licensed childcare home-based service providers. The program sought to ensure that culturally and linguistically appropriate and competent childcare services were provided, beyond assisting these women in actively participating in the workforce and contributing to the community's economic activities. Ms. Mawi has 44 children currently enrolled at her three home-based childcare with a long waiting list.

"I am grateful to the BACI for giving me the opportunity and guiding me to become a licensed childcare service provider. I will not be here without the support of BACI," said Julie Mawi while donating \$5000 in February from her childcare "Chinsuh" towards the BACI Burmese Community Center buildings.

Jenni Thang participated in the 2016 Upward College Summer Research Scholars Program during her high school year. The experience allowed her to gain further interest in research and publish in two journal publications. She is now serving in the program as a Group Research Leader and is currently a Ph.D. student at Purdue University.

Emily Sung, a Lilly Endowment Community Scholarship recipient, was recently hired as ELA Teacher at Southport Middle School. "Thank you for all the help throughout my high school, college, and even after! My time with BACI has helped me greatly in many ways. I am really grateful for it," said Emily, who participated in the BACI UCP for four years and interned with us for two summers.

Cung Ling and Hlawn Nei Thang, a couple who became naturalized citizens through the BACI Civic and Cultural Education Program, said they are excited to exercise their rights and liberties as they cast their votes in the 2020 Presidential elections. CCEP empowers new Americans with security in their rights and liberties by providing English and Citizenship instruction, rights and responsibilities education, and Green card and Citizenship application assistance.

The BACI Civic and Cultural Education Program, in collaboration with its partners, promotes civic engagement and community participation and has served over **7,000** individuals since its inception.



Burmese American Community Institute Leadership

BACI’s Board of Directors reflects its original philosophy, values, and efforts to ensure the organization’s leadership includes different groups within the incoming community from Burma/Myanmar and the mainstream community. The board consists of individuals from diverse backgrounds intellectually, professionally, and personally, and like-minded people passionate about assisting the incoming individuals with their long-term integration and sustained development. BACI is also developing a Community Center Campaign Advisory Board of 25-50 carefully selected individuals representing a diverse group of people who will contribute financially, bring more donors, and provide advice as the center continues to develop.

Board of Directors

- | | | |
|---|--|--|
| Dr. Ro Dinga - Chairman
IUPUI, Mizo Society of
America/Indiana
Chin Community of Indiana | San Hlei Thang - Vice-Chairman
State Eligibility Manager,
Division of FSSA | Ruby Sing – Secretary
Ph.D. Candidate and Educator |
| Rev. Robert Biak Cung, Treasurer
Living Chin Christian Church | Elly Kreutzer
PNC Bank | Dr. Bruce Ray
IUPUI, Retired |
| U Jeru
Southport High School | Nguncer Bualteng
Mang Tha Real Estate | Bonnie Kane
Retired teacher, Burmese-American
advocate |
| Lian Cin, Former Chairman
Indiana Chin Baptist Church | Dr. Fengyi Kuo
Professor IUPUI | Elaisa Vahnje, MPA
BACI Executive Director |

Board of Advisors

- | | | |
|---|--|---|
| Rev. Dr. Stephen Kio
Indiana Chin Baptist Church | Rev. Dr. Val Thang
North America Matu
Christian Church | Zapeng Sakhong
Chin Evangelical Baptist Church |
| David Williams
Indiana University | Matthew P. Schomburg
State of Indiana | Leslie Lenkowsky,
Indiana University |

BACI

Burmese American Community Institute
Advocating • Connecting • Educating • Serving
 4925 Shelby Street, Ste 200 Indianapolis, IN 46227
www.TheBACI.org



**Department of Metropolitan Development
Division of Planning
Current Planning**

EXHIBIT B

Heritage Tree Conservation

Removal of any Heritage Tree is prohibited unless any of the following determinations are made before removal:

1. The Administrator or the city's Urban Forester determines that the tree is dead, significantly and terminally diseased, a threat to public health or safety, or is of an undesirable or nuisance species.
2. The Director of the Department of Public Works determines that the tree interferes with the provision of public services or is a hazard to traffic.
3. The Administrator determines that the location of the tree is preventing development or redevelopment that cannot be physically designed to protect the tree.
4. The site from which the tree is removed is zoned D-A and the tree is harvested as timber or similar forestry product.

Size of tree removed or dead (inches)	Number of Trees to be planted to replace a Heritage Tree	Number of Trees to be planted to replace an existing tree
Over 36 DBH	15	10
25.5 to 36 DBH	11	8
13 to 25 DBH	8	6
10.5 to 12.5 DBH	6	4
8.5 to 10 DBH	5	4
6.5 to 8	3	2
4 to 6	2	2
2.5 to 3.5	1	1



View looking south along Bluff Road



View looking north along Bluff Road



View of site looking northwest



View of site (on the right) looking west



View from site looking east across Bluff Road



View from site looking southeast across Bluff Road



METROPOLITAN DEVELOPMENT COMMISSION **March 13, 2025**
HEARING EXAMINER

Case Number: 2025-ZON-012

Property Address: 6900 Milhouse Road (Approximate Address)

Location: Decatur Township, Council District #21

Petitioner: D. R. Horton – Indiana, LLC, by Brian. J. Tuohy

Current Zoning: D-A

Request: Rezoning of 11.15 acres from the D-A district to the D-4 district to provide for a single-family residential development.

Current Land Use: Commercial Contractor Business

Staff Recommendations: Approval

Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the request.

PETITION OVERVIEW

LAND USE

The project address of 6900 Milhouse Road has two parcels located on either side of Milhouse Road. The project that is the subject of this petition lies on the south parcel. The site is currently zoned D-A and is requested to be rezoned to D-4. This site is currently in agricultural use. The subject site is surrounded to the north, east and west by single-family residential.

REZONING

The petition seeks to rezone the property from the D-A district to the D-4 district to provide for a 33-lot single-family subdivision.

D-A (Dwelling Agriculture District): Which holds the agricultural lands of Marion County and provides for a variety of agricultural uses. Most agricultural uses (farms) are permitted in this District. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of



**Department of Metropolitan Development
Division of Planning
Current Planning**

this district is large estate development of single-family dwellings. The district does not require public water and sewer facilities.

D-4 (Dwelling District Four): Which is for low or medium density single-family and two-family residential development at a typical density of 4.2 units per acre. Land in this district needs good thoroughfare access, relatively flat topography, and nearby community and neighborhood services and facilities with pedestrian linkages. Provisions for recreational facilities serving the neighborhood within walking distance are vitally important.

	D-A	D-3	D-4	Concept Plan
Typical Density (units per acre)	0.33	2.6	4.2	2.959
LOT STANDARDS				
Min. Lot Area	3 acres	10,000 sq. ft.	7,200 sq. ft.	7,200 sq.ft.
Min. Lot Area, Two-Family	N/A	15,000 sq. ft.	10,000 sq. ft.	
Min. Lot Width	250 ft.	70 ft.	60 ft	63 (740-302.c)
Min. Lot Width, Two-Family	N/A	105 ft.	90 ft.	
Min. Street Frontage	125 ft.	35 ft.	30 ft.	
Min. Street Frontage, Two-Family	N/A	35 ft.	30 ft.	
Min. Open Space	85%	70%	65%	
SETBACKS				
Fronts Along Collector Streets	35 ft.	30 ft.	30 ft.	
Fronts Along Local Streets	35 ft.	25 ft.	25 ft.	
Fronts Along Cul-De-Sacs	30 ft.	20 ft.	20 ft.	
Min. Width of Side Yard	30 ft.	6 ft.	5 ft.	
Min. Width of Side Yard (Aggregate)	75 ft.	16 ft.	13 ft.	
Min. Depth of Rear Yard	75 ft.	20 ft.	20 ft.	
BUILDING STANDARDS				
Max. Height of Primary Building	35 ft.	35 ft.	35 ft.	
Max. Height of Accessory Building	24 ft.	24 ft	24 ft	
Min. Main Floor Area (1-Story)	1,200 sq. ft.	1,200 sq. ft.	900 sq. ft.	
Min. Main Floor Area (Above 1-Story)	800 sq. ft.	660 sq. ft.	660 sq. ft.	

STAFF ANALYSIS

The Comprehensive Plan designates this area as suburban neighborhood. This typology generally has a residential density of 1 to 5 dwelling units per acre. The site plan (exhibit C) density meets this requirement at 2.959. The proposal aligns with the Comprehensive Plan, and the surrounding land uses.

While the rezoning is limited to the land use of the property staff would note that the provided site plan (Exhibit C) does not comply with the Subdivision Control Ordinance and would require multiple waivers. To reduce the number of waivers at the platting phase, staff has provided an alternative site plan (Exhibit D) that better aligns with the Zoning Ordinance requirements.

For these reasons, staff recommends **approval** of the request.



Department of Metropolitan Development
 Division of Planning
 Current Planning

GENERAL INFORMATION

Existing Zoning	D-A	
Existing Land Use	Suburban Neighborhood	
Comprehensive Plan	Agricultural	
Surrounding Context	Zoning	Land Use
	North:	D-3 Residential (Single-family dwellings)
	South:	D-3 Residential (Single-family dwellings)
	East:	D-3 Residential (Single-family dwellings)
	West:	D-A Residential (Single-family dwellings)
Thoroughfare Plan		
Milhouse Road	Primary Collector	80-91-foot proposed right-of-way and
Card Blvd	Collector	80-91-foot proposed right-of-way.
Firkins Drive	Local Street	50 existing right-of-way.
Rawlings Lane	Local Street	50 existing right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	2/24/2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends office commercial development of the site.



Department of Metropolitan Development
Division of Planning
Current Planning

- The **Suburban Neighborhood** typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
 - **Conditions for All Housing**
 - A mix of housing types is encouraged.
 - Developments of more than 30 housing units must have access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.
 - Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- The Indy Moves Transportation Integration Plan (2018) proposes a complete street off-street multi-use path from Johnson Road/Fall Creek to Hague Road/82nd Street.



ZONING HISTORY

Zoning History – Site

2021ZON123; 6710 Mills Road (south of site), Rezoning of 7.339 acres from the D-A district to the D-3 (cluster) district and to Terminate and Replace all commitments related to 2004-ZON-828 (404 maximum number of lots, 60-foot minimum lot width, 6,600 minimum lot size, maximum of 15 lots less than 7,200 square feet, prohibition on two-family dwellings, minimum floor area for lots less than 7200 square, greater than 7200 square feet and greater than 10,000 square feet, vinyl siding gauge, driveway width and length, attached garage size, house lights, roof pitch, shutter requirements, landscaping review requirements, tree preservation plan, common area landscaping, street trees, right-of-way grass strips, common area access, home price advertising, address size and location, street lighting, retention pond warning signs, garage door / façade ratio, dwelling separation, on-site tree planting, fence requirements, HOA rule, sewer fees, common area pathways, fountain ponds, playground equipment, playground edging, street width, minimum lot number, brick veneer requirement and road improvement contributions). **Approved.**

2004-ZON-828 / 2004-PLT-828, 6735 Milhouse Road and 6705 & 6930 Mills Road, requested the rezoning of 133.7 acres from the D-A district to the D-3 district and requested the approval of a subdivision plat dividing 28 acres into 99 lots. **Approved.**

98-Z-184, DP-23; 6551 Milhouse Road, requested the rezoning of 129 acres from the D-A district to the D-P district to provide 397 single-family dwellings. **Withdrawn.**

2000-ZON-016; 6720 Milhouse Road (south of site) requested the rezoning of 11 acres from the D-A district to the D-3 district. **Approved.**

2004-ZON-835 / 2004-CVR-835; 6500 Mills Road and 6300 South High School Road (east of site), requested the rezoning of 32.4 acres from the D-A district to the D-5II district and a variance of development standards to provide for reduced lot open space. **Approved.**

99-Z-100; 6916 Milhouse Road (west of site), requested the rezoning of 37.8 acres from the D-A district to the D-3 district. **Approved.**

98-Z-24; 5840 South High School Road (east of site), requested the rezoning of 29 acres from the D-A district to the D-3 district. **Approved.**

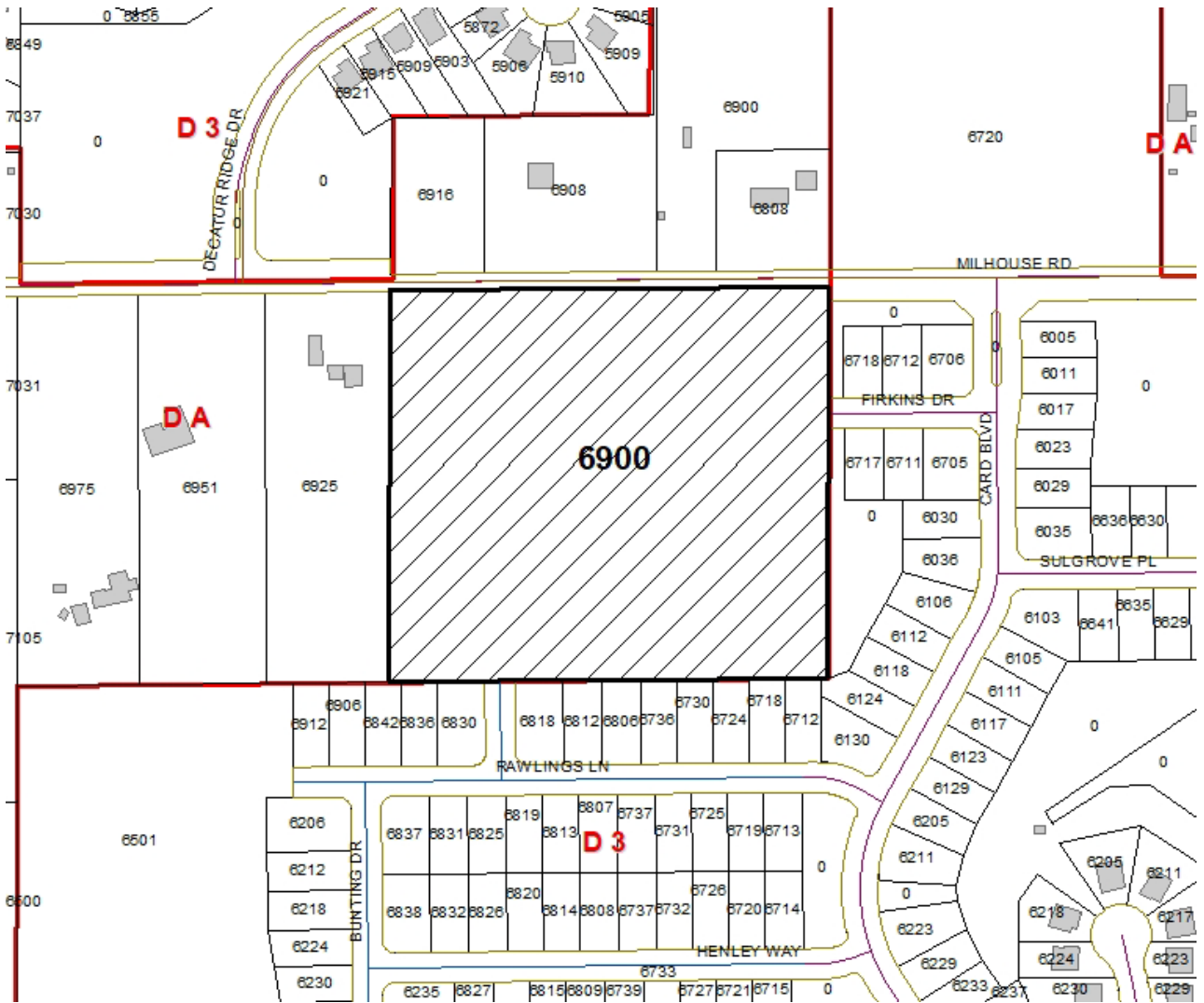
96-Z-46; 5810 South High School Road (east of site), requested the rezoning of 29 acres from the D-A district to the D-4 district. **Denied.**

93-Z-27; 5640 South High School Road (north of site), requested the rezoning of 36 acres from the D-A district to the D-4 district. **Approved**



**Department of Metropolitan Development
Division of Planning
Current Planning**

EXHIBITS



Area Map



Cardinal Grove

Decatur Township, Marion County

Preliminary Site Plan

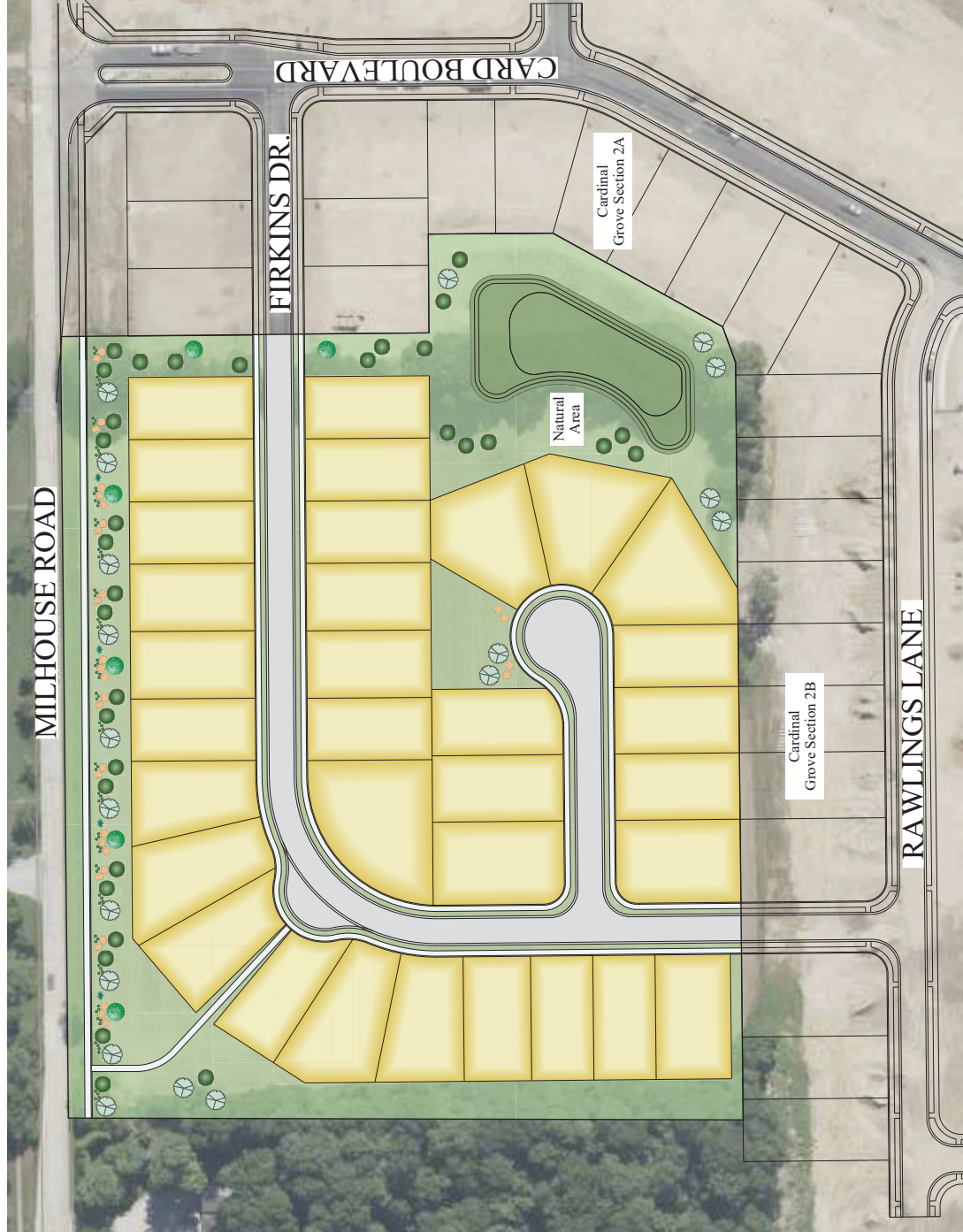


EXHIBIT C

Site Data

Site: 10.89 ac±

Min. Lot Size: 60'x120'

33 Lots

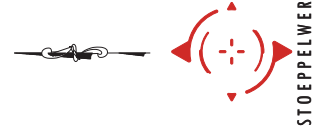


EXHIBIT D





METROPOLITAN DEVELOPMENT COMMISSION **March 13, 2025**
HEARING EXAMINER

Case Number: 2025-ZON-002
Property Address: 6120 East Thompson Road Avenue (Approximate Address)
Location: Lawrence Township, Council District #24
Petitioner: Thompson and Commerce Properties, LLC by Richard Henderson
Current Zoning: D-P (FF)
Request: Rezoning of 4.732 acres from the D-P (FF) district to the D-6 (FF) district to provide for residential uses.
Current Land Use: Commercial
Staff Recommendations: **Approval**
Staff Reviewer: Desire Irakoze, Principal Planner II

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends approval** of the request.

Staff recommends approval shall be subject to the following commitments:

1. A 10' shared-use path along the entire required amenity path.
2. A connection from the shared-use path to the existing commercial properties to the south.

PETITION OVERVIEW

LAND USE

The 4.73-acre subject site is part of the South of The Villas at Franklin Crossing Subdivision within the Poplar Grove Neighborhood. Thompson Park is located to the southeast of the property.

The property is surrounded by a varying residential districts and commercial uses. To the north and east the property is residential and contains The Villas at Franklin Crossing, this is a residential two-family subdivision that is part of the original Development Plan. To the south there are commercial properties with drug stores, bar taverns, general store and other neighborhood commercial uses. To the west there are other commercial uses that include, gas station, and professional services.



**Department of Metropolitan Development
Division of Planning
Current Planning**

REZONING

This petition would rezone this site from the **D-P Planned Unit Development District** to the **D-6 (Dwelling District Six)** to allow the development of five (5) multi-unit buildings with a total of 23 dwelling units. The density of the development will be 4.86 units per acre, This is comparable to the subdivision to the east which has 4.72 units per acre.

D-P (Planned Unit Development District): predominantly residential in nature but may include supportive commercial or industrial development. D-P zoning requires the Metropolitan Development Commission's approval of all uses, site and development plans. creative site planning, variety in physical development, and imaginative uses of open space are objectives to be achieved in a D-P district.

D-6 (Dwelling District Six): permits medium density residential development of a variety of housing types: multifamily dwellings, triplex, fourplex, two-family and single-family attached dwellings. The district is intended for developments in suburban areas well served by major thoroughfares, sanitary sewers, and school and park facilities with a typical density of 6 to 9 residential units per acre.

FF (Floodway Fringe District): a secondary zoning district that overlays the primary zoning district. FF indicates a 1% chance for significant flooding as well as shallow flooding in any given year. FF is based upon hydrological data and is delineated on the FEMA maps.

STAFF ANALYSIS

The Development Plan (D-P) approved in 2000 (2000-ZON-032/ 2000-DP-007) established a mixed-use development that included two-family dwellings, a multi-family residential component for seniors and offices. The single-family residential component initially consisted of f 38 two-family lots. In 2001, the DP was modified (2001-ZON-823/2001-APP-823/2001-PLT-823/ 2001-DP-005) to allow for 41 two-family lots (increasing the total by three (3) lots) and reconfigured the layout. This proposed rezone would allow for an additional 23 residential units.

Staff notes that approval of this rezoning petition would effectively terminate commitment #2 of the 2001-DP-005 DP regarding sidewalks and pedestrian access, which states:

Commitment #2. "A pedestrian access from the east side of the residential area to the commercial area, via a common area between lots 8 and 9 shall be provided as depiction on the concept plan."

This commitment is not feasible, as Lots 8 and 9 have already been built and are under separate ownership. To maintain the intent of the original commitment, staff recommends the implementation of a shared-use path to ensure connectivity between the residential and commercial areas.

Arlington Avenue is classified as a four-lane primary arterial. According to the 2019 Thoroughfare Plan a 10-foot-wide shared-use path is recommended along this corridor. Additionally, per the Subdivision Control Ordinance Open Space Standards (741-310. B.1), subdivisions with more than 20 dwelling units are required to provide a minimum of 1,320 linear feet (1/4 mile) of trail amenities.



**Department of Metropolitan Development
Division of Planning
Current Planning**

As a condition of approval, Staff recommends the following:

3. A 10' shared-use path along the entire required amenity path.
4. A connection from the shared-use path to the existing commercial properties to the south.

Finally, staff notes that certain aspects of the current site plan do not comply with Subdivision Control Ordinance. These issues will be addressed during the platting phase of development through the variance process.

GENERAL INFORMATION

Existing Zoning	D-P	
Existing Land Use	Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	Zoning	Land Use
North:	D-A	Residential Use
South:	D-P	Commercial Use
East:	D-P	Commercial Uses, Residential Use
West:	C-3	Residential Use
Thoroughfare Plan		
East Thompson Road	Primary Arterial Street	70-foot right-of way existing and a 119-foot right-of way proposed
South Arlington Avenue	Primary Arterial Street	70-foot right-of way existing and a 119-foot right-of way proposed
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan		
Site Plan (Amended)	2/13/2025	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS



Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends office commercial development of the site.
The **Community Commercial typology** provides for low-intensity commercial, and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.
- **Conditions for All Land Use Types**
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Thoroughfare Plan 2019, Arlington Avenue is a 4-lane primary arterial request a 10' Shared-Use Path along the street frontage.

ZONING HISTORY

Zoning History – Site

2001ZON823/2001APP823/2001PLT832 (2001DP005); 6040 East Thompson Road; requests a rezoning of 17.346 acres from D-P to D-P to provide for 41, two-family residential lots, and a modification of development statement, related to petition 2000-ZON-032 (2000-DP-007), to provide for: 82 dwelling units (76 dwelling units approved by the development statement), with minimum main floor livable space between 1,300 square feet (minimum main floor livable space between 1,050 square feet approved by the development statement), all dwelling units with an attached garage capable of storing at least two vehicles (75-percent of the dwelling units shall have an attached garage capable of storing at least two vehicles and 25-percent of the dwelling units may construct a garage to store one vehicle approved by the development statement), eliminate paragraph II-A-2, both access points on Arlington Avenue and Thompson Road for the connector street with a boulevard design with landscape islands, eliminate paragraph II-A-3, a residential boulevard street incorporating landscaping islands and landscaping along either side of the connector, eliminate paragraph II-A-4, the connector street with a 70-foot maximum right-of-way and a 34-foot maximum pavement width. Plat Request: Subdivision approval of 17.349 acres into 41 lots. **Approved.**

2000-ZON-032 (2000-DP-007); 6040 East Thompson Road Rezone 32.26 acres from the D-A to DP to provide for two-family residential development, multi-family residential development for seniors, offices, and neighborhood service and retail development. **Approved**

Zoning History – Vicinity

2023ZON038; 6041 East Thompson Road (South of Subject Site) Rezoning of 3.40 acres from the C-S and D-P districts to the C-3 district to provide for a neighborhood commercial development. **Approved**

2007ZON848; 6041 East Thompson Road (South of Subject Site), Rezoning of 1.5 acres, from the D-P District, to the C-S classification to provide for the following uses: A single family dwelling, all C-3 uses, temporary seasonal retail sales, retail sale of a lawnmower, ATVS, Scooters, and detached accessory buildings, with a 2,475-square foot outdoor display area and three accessory buildings on display at one time.

2007VAR848; 6041 East Thompson Road (South of Subject Site), Variance of Development standards of the Commercial Zoning Ordinance to Legally Establish a 3,430-square foot gravel parking lot (paved and striped parking required) with a zero-foot east side setback (minimum 15ft east transitional side yard required). **Approved.**

97-Z-107/97-DP-6; 6401 East Thompson Road (South of Subject Site), request rezoning of 100 acres, being in the D-A District, to the DP classification to provide for a planned unit development, consisting of a 320-lot single-family residential development at 3.2 units per acre and an 8-acre park. **Approved.**



Department of Metropolitan Development
Division of Planning
Current Planning

97-Z-132 /97-DP-8; 6001 East Thompson Road (South of Subject Site), Request a rezoning of 73.27 acres, being in the D-A District, to the DP Classification to provide for 3 existing residences, a 94- lot single-family residential development, 49 one story fourplexes, and C-1 or C-3 uses, **Approved.**

99-Z-113/99-DP-20; 4501 South Arlington Avenue, Request rezoning of 25.8 acres from D-A to DP to provide for two-family residential development. **Approved.**

98-CP-21-Z; 4727 South Arlington Avenue, (North of Subject Site), request rezoning of 17.70 acres, being in the D-A District, to the D-3 classification to provide for single-family residential development, **Approved.**

91-Z-13; 4410 South Arlington Avenue, request rezoning of 28.62 acres, being in the D-A District, to the D-3 classification to provide for single-family residential development. **Approved.**

72-Z-135; 4500-500 South Arlington Avenue, request rezoning of 160 acres, being in the A-2 district, to the D-3 classification to provide for single-family residential development. **Approved.**

73-Z-281; 4902 South Arlington Avenue (East of Subject Site), request rezoning of 8.69 acres, being in D-3 district to C-3 classification for convenience shopping center including branch bank.

73-Z-282; 4902 South Arlington Avenue (East of Subject Site), request to rezone 0.92 acres from D-3 to C-3



Department of Metropolitan Development
 Division of Planning
 Current Planning

EXHIBITS

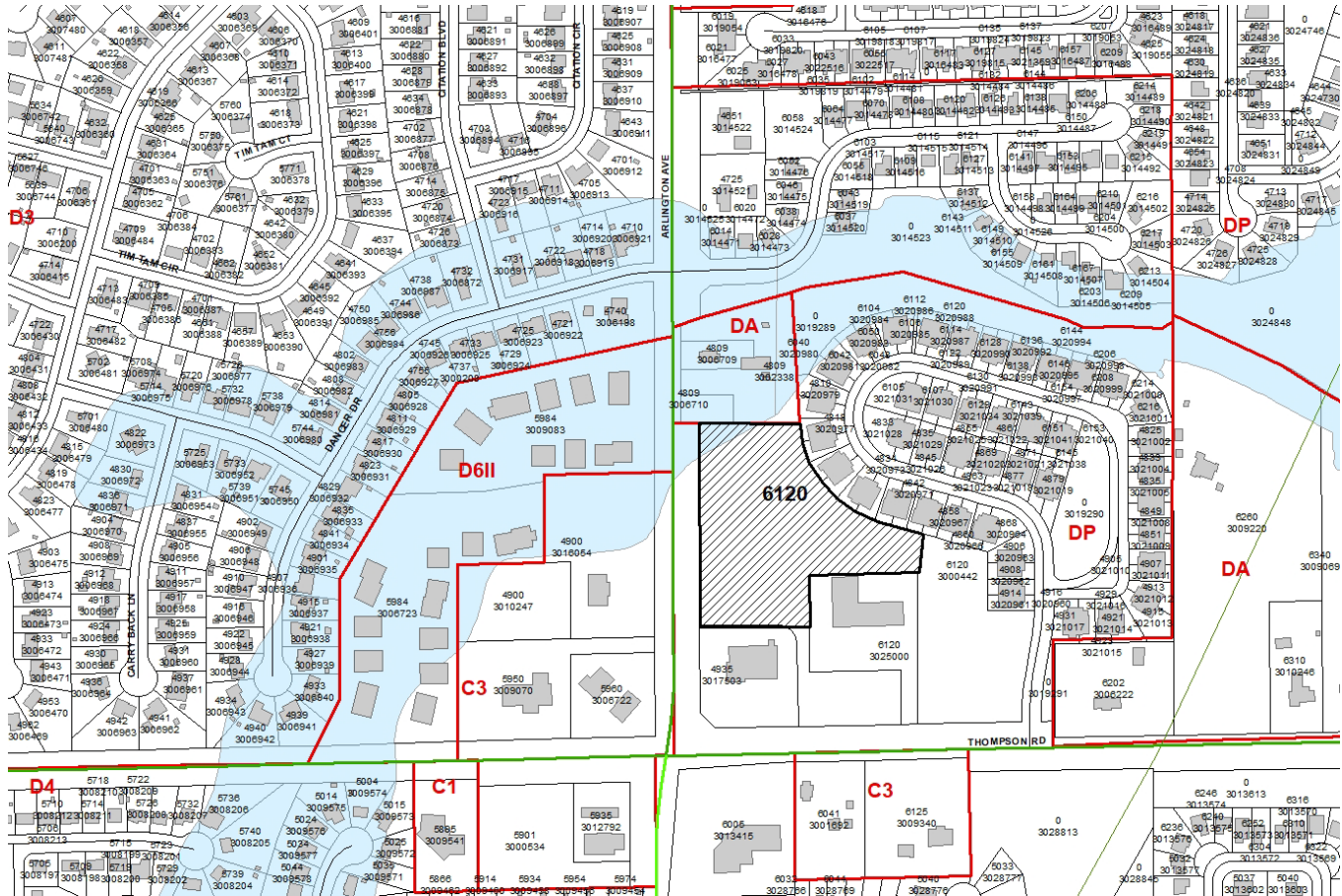


PHOTO EXHIBITS



On Subject Site looking at Villas Sub



On Subject Site looking at Villas Sub



Subject property Vacant

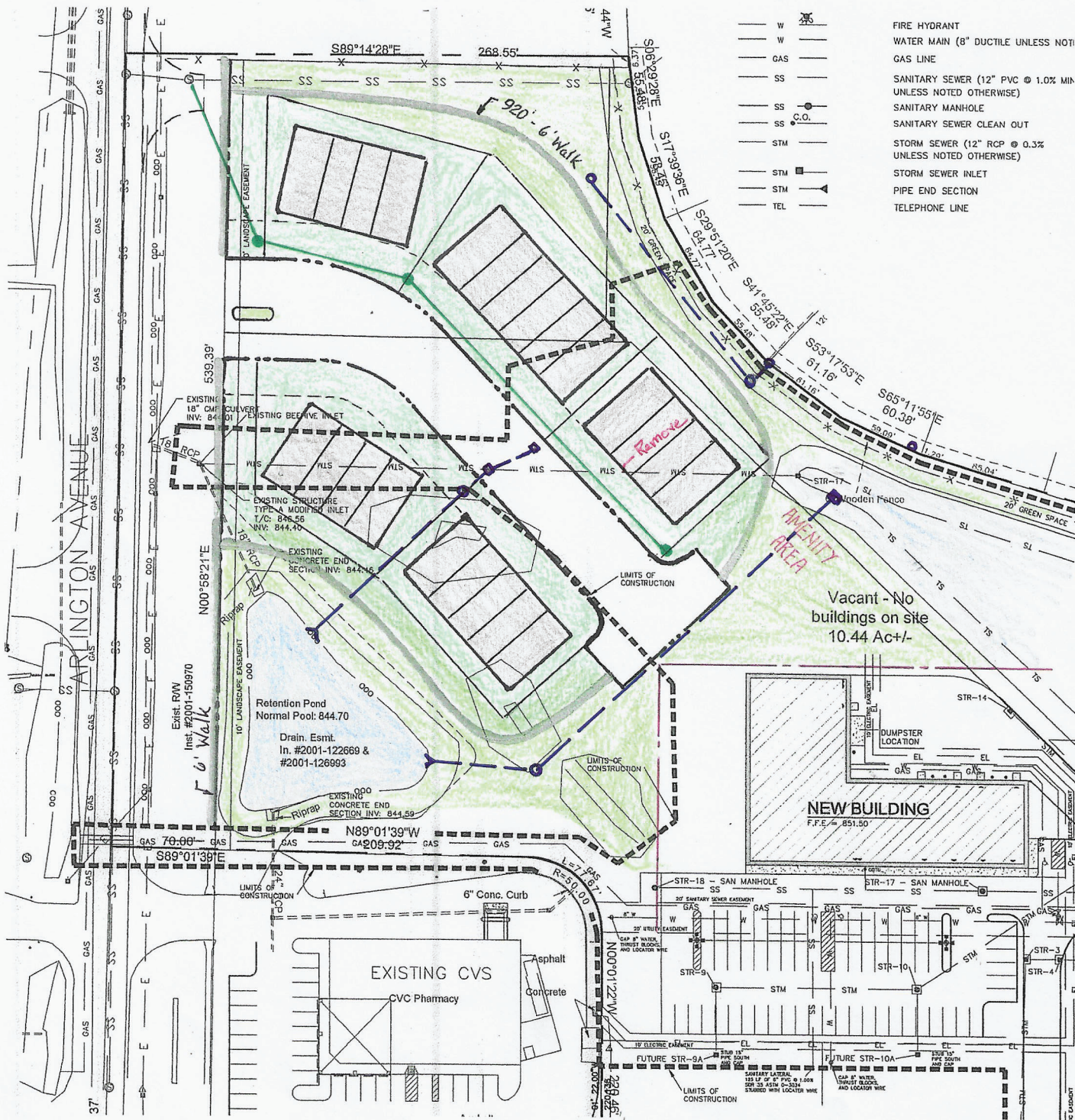


Looking towards commercial property

2025-ZON-002 Site Plan

Item 11.

FRANKLIN CORNERS



- W — WATER MAIN (8" DUCTILE UNLESS NOTED OTHERWISE)
- GAS — GAS LINE
- SS — SANITARY SEWER (12" PVC @ 1.0% MIN UNLESS NOTED OTHERWISE)
- SS — SANITARY MANHOLE
- SS — SANITARY SEWER CLEAN OUT
- STM — STORM SEWER (12" RCP @ 0.3% UNLESS NOTED OTHERWISE)
- STM — STORM SEWER INLET
- TEL — TELEPHONE LINE

23 UNITS

SCALE 1" = 100'



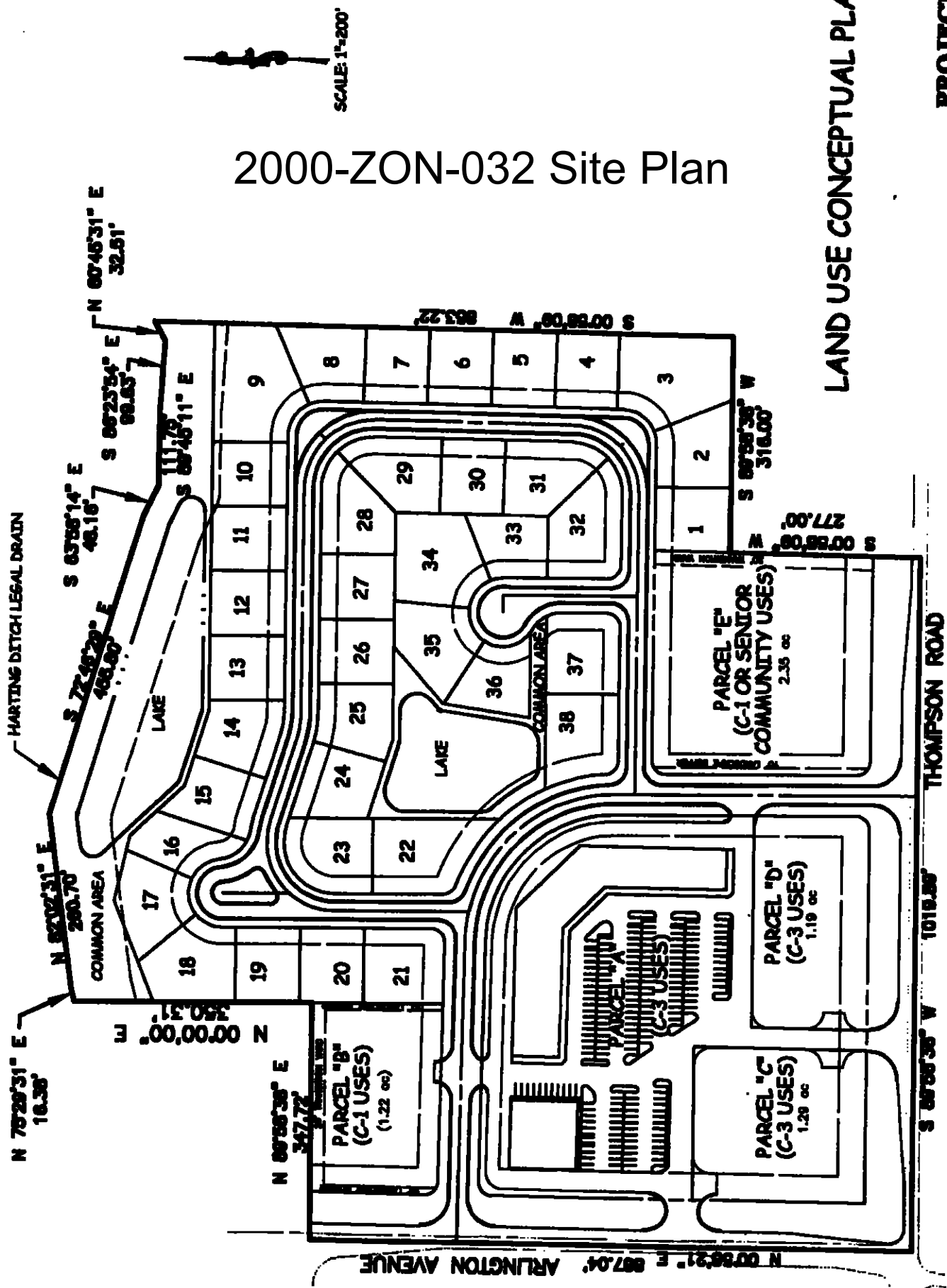
Lifestyle Homes

CENTEX HOMES

SCANNED

2000-ZON-032 Site Plan

LAND USE CONCEPTUAL PLAN



SCALE: 1"=200'



THOMPSON ROAD

ARLINGTON AVENUE

FRANKLIN CORNERS
ZONING COMMITMENTS
2025-ZON-002

1. Pedestrian access will be provided between the Town Homes to the existing commercial center.
2. A landscape buffer along Arlington Avenue will be provided consisting of 1-1/2 trees for every 35 feet (total 18 trees) and 3 shrubs every 25 feet (total of 48).
3. Townhomes will have a minimum of 50% brick on the first floor of the front elevation.
4. The vinyl siding shall be a minimum of .04 gauge.



METROPOLITAN DEVELOPMENT COMMISSION **March 13, 2025**
HEARING EXAMINER

Case Number: 2025-ZON-003
Property Address: 7420 North Shadeland Avenue (Approximate Address)
Location: Lawrence Township, Council District #3
Petitioner: Shane Ellison
Current Zoning: C-1
Request: Rezoning of 1.15 acres from the C-1 district to the C-7 district to provide for a commercial and building contractor business.
Current Land Use: Commercial Contractor Business
Staff Recommendations: Denial
Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

ADDENUM FOR MARCH 13, 2025 HEARING EXAMINER

This petition was continued from the February 20, 2025 hearing to the March 13, 2025 hearing at the request of a City-County Councilor to allow additional time for discussions regarding the request.

February 20, 2025

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

If approved against staff's recommendation, approval shall be subject to the following commitment being reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. A 56-foot half right-of-way shall be dedicated along the frontage of Shadeland Avenue, as per the request of the Department of Public Works (DPW), Engineering Division. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).



PETITION OVERVIEW

LAND USE

The 1.15-acre site is developed with a commercial building, accessory structure, and associated parking areas in front and behind the primary building.

It is subject to a zoning violation, VIO24-009392, that includes violations for the failure to obtain sign permits, a sign in the right-of-way, prohibited signs on site, outdoor storage of construction/demolition debris, tires and miscellaneous vehicle parts on site, storage of inoperable vehicles without valid license plates, unpermitted construction contractor use, storage of vehicles not permitted in the C-1 district, unenclosed dumpster, deficient parking area, and unmanaged sidewalks, pedestrian ways interior access or parking areas.

A few of these violations appear to have been addressed at the time of staff's site visit, but the violation has not closed them out while others are still present on site.

The site is bordered to the north and south by offices, zoned C-1, a commercial shopping strip to the east across Shadeland Avenue, zoned C-4, and single-family dwellings to the west across I-465, zoned D-2.

REZONING

The request would rezone the property from the C-1 district to the C-7 district to provide for a commercial and building contractor business.

The C-1 District is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt. Since the buildings for office, office-type and public and semipublic uses are typically much less commercial in appearance, landscaped more fully and architecturally more harmonious with residential structures, this district can serve as a buffer between protected districts and more intense commercial or industrial areas/districts - if designed accordingly. This district, with its offices and other buffer type uses, may also be used along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur.

The C-7 District is designed to provide specific areas for commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials or equipment essential to the operation of these uses. Many of these uses generally are not visited by customers, but rather involve service operations from headquarters with some on-site fabrication of parts. The nature of operation or appearance are more compatible with industrial than retail commercial activities. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares and near interstate freeways, but not in close association with those commercial



**Department of Metropolitan Development
Division of Planning
Current Planning**

activities involving shopping goods, professional services, restaurants, food merchandising, and the like. Due to the intensity of uses, location of this district should never be adjacent to protected districts.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 56-foot half right-of-way along Shadeland Avenue. This dedication would also be consistent with the Marion County Thoroughfare Plan.

STAFF ANALYSIS

The grant of the request would introduce the most intense commercial district to an area comprised of low to medium commercial districts. The block west of Shadeland Avenue is recommended for office commercial development by the Comprehensive Plan. The entire block is zoned C-1 except for the corner lot at 75th and Shadeland Avenue that is zoned C-S.

A variety of zoning districts can be seen east of Shadeland Avenue that range between C-1, C-4, D-P, SU-1, and SU-34.

Staff determined that rezoning to the C-7 district to provide for a commercial and building contractor business, more specifically a masonry contractor, would be inappropriate in an area designated for office use. Furthermore, no other high intense commercial districts are in the immediate area. Approval of the request would not align with the context of the surround area.

Staff had concerns with the disorderly outdoor storage of materials on site and would not support the materials being located near the Blue Creek Stream along the western property boundary that requires a 50-foot stream protection corridor along both sides of the top of bank.

The petitioner was informed that a sign permit would be needed for the sign on the western façade of the shed that faces the interstate if one has not already been applied for.

Although the C-7 district would allow for the intended use on site, it is not an appropriate district at this location. Instead, the existing C-1 district is most appropriate and aligns with the office commercial recommendation of the Comprehensive Plan.

For these reasons, staff recommends denial of the request.

GENERAL INFORMATION

Existing Zoning	C-1	
Existing Land Use	Commercial Contractor Business	
Comprehensive Plan	Office Commercial	
Surrounding Context	Zoning	Land Use
North:	C-1	Offices
South:	C-1	Offices
East:	C-4	Commercial Shopping Strip

West:	D-2	I-465 and Residential (Single-family dwellings)
Thoroughfare Plan		
Shadeland Avenue	Primary Arterial Street	112-foot proposed right-of-way and 100-foot existing right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	January 14, 2025	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book (2019) recommends office commercial development of the site.
- The Office Commercial typology provides for single and multi-tenant office buildings. It is often a buffer between higher intensity land uses and lower intensity land uses. Office commercial development can range from a small freestanding office to a major employment center. This typology is intended to facilitate establishments such as medical and dental facilities, education services, insurance, real estate, financial institutions, design firms, legal services, and hair and body care salons.
- **Conditions for All Land Use Types**
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.



Department of Metropolitan Development
Division of Planning
Current Planning

- Master-planned developments in excess of 2 acres should include pedestrian amenities for passive and active recreation internal to the development.
- **Small-Scale Offices, Retailing, and Personal or Professional Services**
 - Appropriate as a primary use only in major employment centers.
 - Outdoor display of merchandise should be limited.
 - If adjacent to residential uses or a Living Typology, outdoor display of merchandise is not recommended.
 - Should be located along an arterial or collector street.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- The request would not align with this recommendation.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves
(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- The Indy Moves Transportation Integration Plan (2018) proposes a complete street off-street multi-use path from Johnson Road/Fall Creek to Hague Road/82nd Street.



ZONING HISTORY

Zoning History – Site

2008-DV2-006; 7420 Shadeland Avenue (subject site), Variance of development standards of the Commercial Zoning Ordinance to provide for the construction of a two-story, 14,000 square-foot office building, and to provide for an existing 3,000 square-foot office building to remain during construction of the new building with sixteen off-street parking spaces (minimum 60 parking spaces required), **withdrawn.**

81-Z-4; 7305 North Shadeland Avenue (along street frontage of subject site), rezoning of 46.57 acres, being in the D-P district, to the C-1 classification, to provide for office use, **approved.**

71-Z-228; 7100 to 7500 North Shadeland Avenue (subject site), Rezoning of 20.06 acres from A-2 district to C-1 classification to provide for Commercial Use, **approved.**

Zoning History – Vicinity

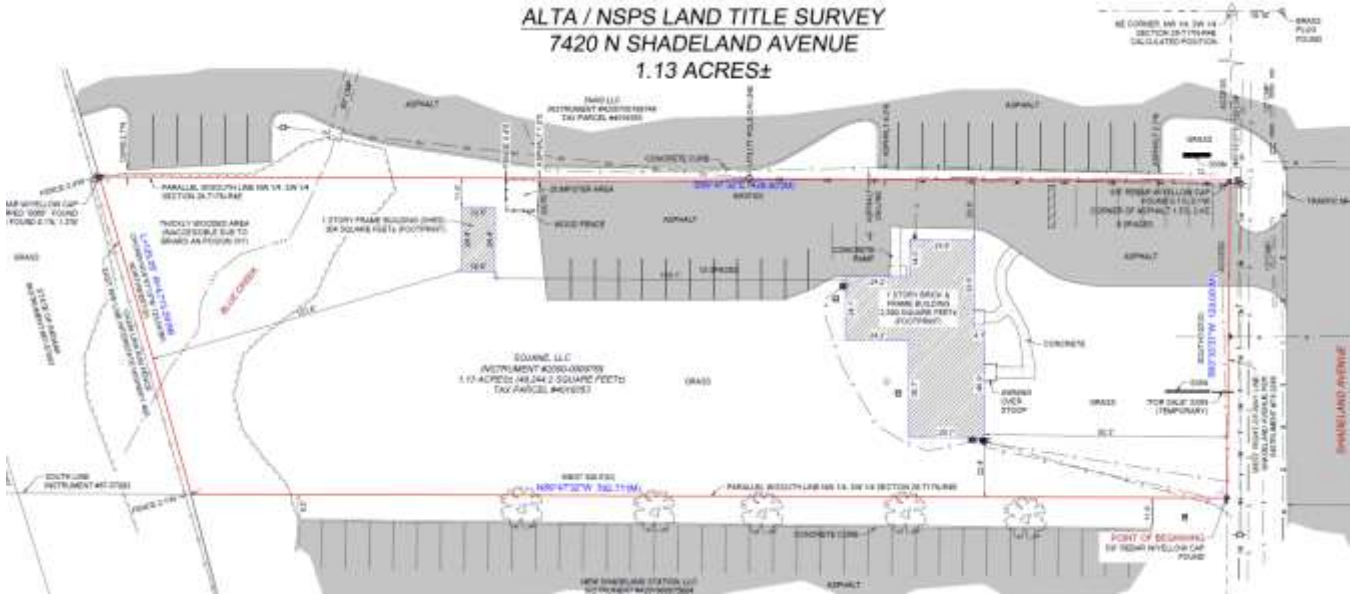
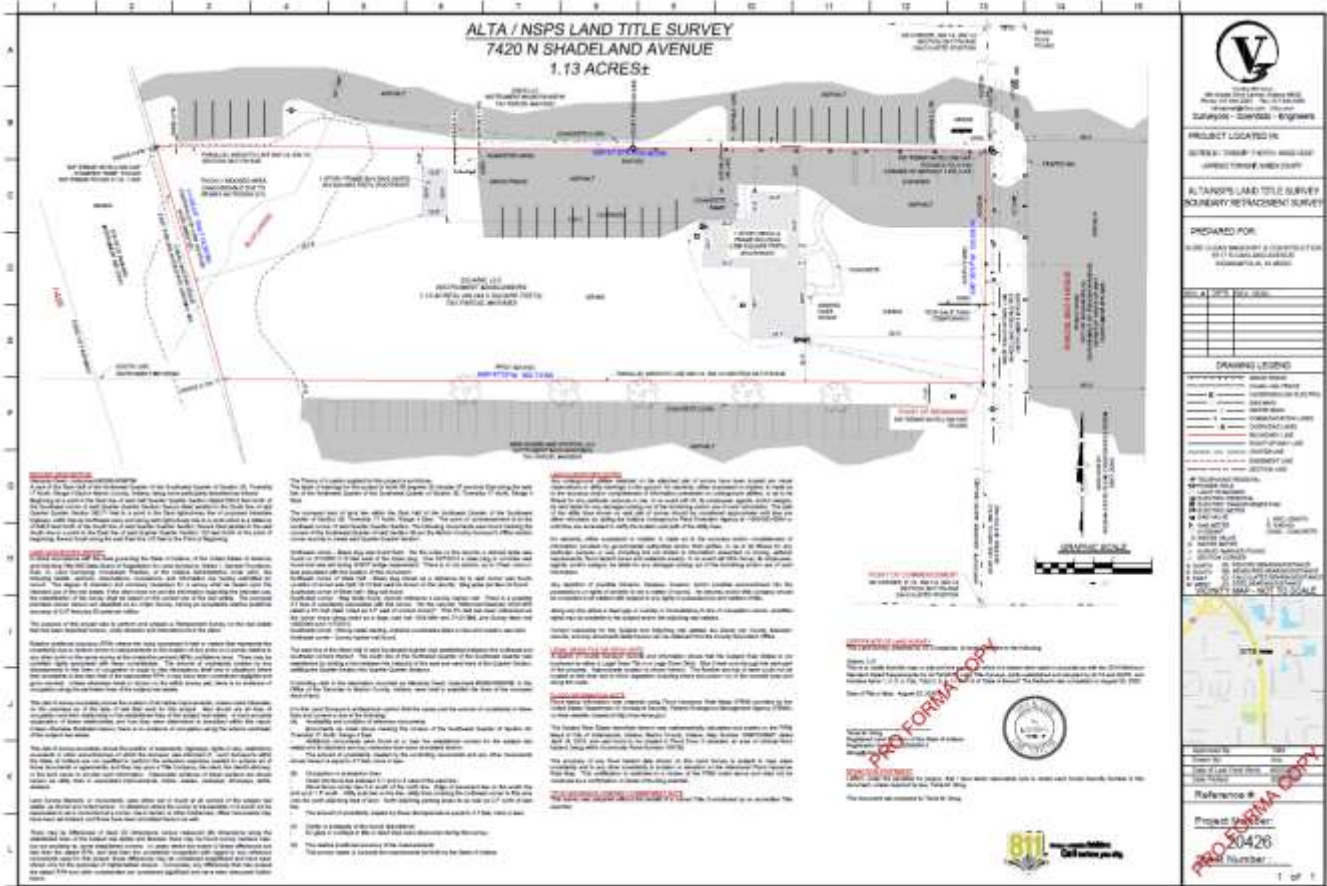
85-Z-49; 7321 North Shadeland Avenue (east of site), Rezoning of 3.56 acres, being in the C-1 and C-4 districts, to the C-4 classification, to provide for retail commercial development, **approved.**

81-Z-3; 7405 North Shadeland Avenue (east of site), Rezoning of 13.85 acres, being in the D-P district, to the C-4 classification, to provide for retail commercial development, **approved.**

73-Z-234; 7401 North Shadeland Avenue (east of site), Rezoning of 108.5 acres, being in an A-2 district to D-P classification to provide for a Planned Unit Development Community, consisting of apartments, condominiums, detached cluster housing, conventional platted lots, recreation areas, commercial development, and an office park, as per plans filed, **approved.**



Department of Metropolitan Development
Division of Planning
Current Planning





Subject site street frontage looking south along Shadeland Avenue.



Photo of the subject site.



Photo of the front parking area and offices north of the site.



Commercial shopping strip east of the site.



Northern property boundary looking west.



Photo of the rear parking area.



Photo of the existing outdoor storage of materials.



Proximity of outdoor storage in relation to the Blue Creek Stream.



Photo of Blue Creek Stream and interstate in the background.



Photo of what appears to be the start of a perimeter fence and enclosed dumpster at the rear.



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

March 13, 2025

Case Number:	2025-ZON-005
Property Address:	8830 and 8850 Rockville Road (Approximate Addresses)
Location:	Wayne Township, Council District #17
Petitioner:	HKZ Properties, LLC, by Ron Sears
Current Zoning:	D-A
Request:	Rezoning of 1.527 acres from the D-A and D-3 districts to the C-3 district to provide for commercial uses.
Current Land Use:	Residential
Staff Recommendations:	Denial
Staff Reviewer:	Desire Irakoze, Principal Planner II

PETITION HISTORY

The petitioner requested and was granted a continuance for cause from the February 27, 2025 hearing to the March 13, 2025.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

PETITION OVERVIEW

LAND USE

The 0.37-acre subject site is developed with a commercial building and associated parking lot.

The surrounding land use are as follows.

To the north: A single-family dwelling, zoned D-3.

To the east: A commercial property, zoned C-1.

To the south: A mix of commercial and residential properties, zoned C-S and D-2.

To the west: Residential properties, zoned D-A and D-3

REZONING

The petitioner seeks to rezone the property from the D-A and D-3 districts to the C-3 district to provide for drive-through related commercial uses.



**Department of Metropolitan Development
Division of Planning
Current Planning**

D-A (Dwelling Agriculture District):

provides for a variety of agricultural uses. Most agricultural uses (farms) are permitted in this District. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of this district is large estate development of single-family dwellings. The district does not require public water and sewer facilities.

D-3 (Dwelling District Three): provides for low or medium intensity residential development at typically 2.6 units per acre. Land in this district should have good thoroughfare access, be relatively flat in topography, and be afforded pedestrian linkages to community and neighborhood services and facilities. Two-family dwellings are permitted on corner lots only.

C-3 (Neighborhood Commercial District): characterized extensive range of retail sales and personal, professional and business services required to meet the demands of the residential neighborhood in proximity. C-3 generally does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations.

STAFF ANALYSIS

Per 2021-ZON-128 staff report: “The site has long history of land use petitions. The western parcel has been the subject of six previous petitions spanning the period from 1983 to 2006. In 1983, variance petitions were approved for a detached a garage and for use of a garage for a gift shop. Other variances have been granted for the site’s use as an office. Petitions for lawnmower sales and service and for a rezoning to the C-1 district were withdrawn.”

Concerns:

1. **Uses Restrictions: Per Sec. 744-210 Table 743-1,** Automobile and Light Vehicle Wash is not permitted in the C-3 Zoning District – However, the submitted site plan dated (11/02/2021) is for a Carwash.
2. **Previous Staff Determination:** the 2021-ZON-128 staff report stated, “In staff’s opinion, this is not an appropriate site for the C-4 district in general and a car wash specifically. The petition does not meet the criteria of the Comprehensive Land Use, the use is too intense for a mid-block site that abuts a day care and single-family dwellings, and the site is too small for the use and the district.” Staff maintains this opinion.
3. **Pedestrian Access: Per Sec. 744-301-F.1,** walkways must connect the sidewalk system to public pedestrian entrances. The submitted site plan does not include such a walkway.
4. **Proximity to Protected Districts: Per Sec. 743-305. D.3,** the proposed use must not be located within 100 feet of a protected district. The property abuts a protected district.
5. **Driveway Length Requirement: Per Sec. 743-305. D.4,** exit drives must be at least 100 feet in length from the car wash exit to the street. The site plan shows only 67 feet.



**Department of Metropolitan Development
Division of Planning
Current Planning**

6. **Drive-Through Circulation: Per Sec. 774-406. C.5**, sites in the Metro Context area with stacking spaces must include a bypass aisle or other circulation design. Staff is concerned that the site cannot adequately accommodate a drive-through use.
7. **Drive-Through Location Restrictions: Per Sec. 744-406. C.7**, drive-through service units must not be located on the side or rear of a building abutting a protected district unless they meet landscaping and screening requirements. The site plan does not demonstrate compliance.
8. **Fence Height Violation: Per Sec. 744-510.B, Table 744-510-2**, the maximum permitted fence height in the rear and side yards of a C-3 district is 6 feet. The site plan proposes an 8-foot fence in these areas.

In staff's opinion, approval of the request would be inappropriate and would not align with the context of the surround area. As previously noted in 2021-ZON-128, the proposed use does not align with the Comprehensive Land Use Plan, it is too intense for a mid-block location adjacent to a daycare and single-family residences, and the site is undersized for the proposed use.

For these reasons, staff is recommending **denial** of the request.

GENERAL INFORMATION

Existing Zoning	D-A and D-3	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
North:	D-3	Residential (Single-family dwellings)
South:	D-2 and C-S	Commercial
East:	D-A and D-3	Residential (Single-family dwellings)
West:	C-1	Commercial
Thoroughfare Plan		
Rockville Road	Primary Arterial	135 to 150 -foot existing right-of-way and 110-foot proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes- Airspace Secondary Zoning District.	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- The Wayne Township Comprehensive Plan (2018)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends light industrial and suburban neighborhood development of the site.

The **Suburban Neighborhood typology** is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

- **Conditions for All Land Use Types**
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - Hydrological patterns should be preserved wherever possible.
 - Curvilinear streets should be used with discretion and should maintain the same general direction.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.



**Department of Metropolitan Development
Division of Planning
Current Planning**

Indy Moves
(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Thoroughfare Plan 2019



ZONING HISTORY

ZONING HISTORY – SITE

2021ZON128; 8830 and 8850 Rockville Road (subject site), Rezoning of 1.53 acres from the D-A and D-3 districts to the C-4 district to provide for a car wash facility. **Withdrawn.**

2006-UV1-051; 8850 Rockville Road, requested a variance of use to provide for an office in a dwelling district, **Approved.**

2006-ZON-091; 8850 Rockville Road, requested a rezoning of 0.8 acre from the D-A and D-3 districts to the C-1 district, **Withdrawn.**

87-UV1-143; 8850 Rockville Road, requested a variance of use for a dentist office and a variance of development standards to provide for a pylon sign. **Approved.**

86-UV2-105; 8850 Rockville Road, requested a variance of use to provide for the sale and service of lawnmowers, **Withdrawn.**

83-V1-156; 8850 Rockville Road, requested a variance of use to provide for a detached garage, **Approved.**

83-UV3-38; 8850 Rockville Road, requested a variance of use to provide for a gift shop in a garage, **Approved.**

ZONING HISTORY – VICINITY

2005-ZON-015; 8801-8835 Rockville Road (south of site), requested the rezoning of 2.9 acres from the D-2 district to the C-1 district, **Approved.**

98-UV2-97; 8853 Rockville Road (southeast of site), requested a variance of use to provide for a dentist office and a variance of development standards to provide for a pylon sign, **Approved.**

95-UV1-59; 8853 Rockville Road (south of site), requested a variance of use to provide for an office in a D-2 district and a variance of development standards to provide for a pylon sign, **Approved.**

87-Z-7; 8801 Rockville Road (southeast of site), requested the rezoning of 1.1 acre from the D-2 district to the C-4 district, **Withdrawn.**



Department of Metropolitan Development
 Division of Planning
 Current Planning

EXHIBITS



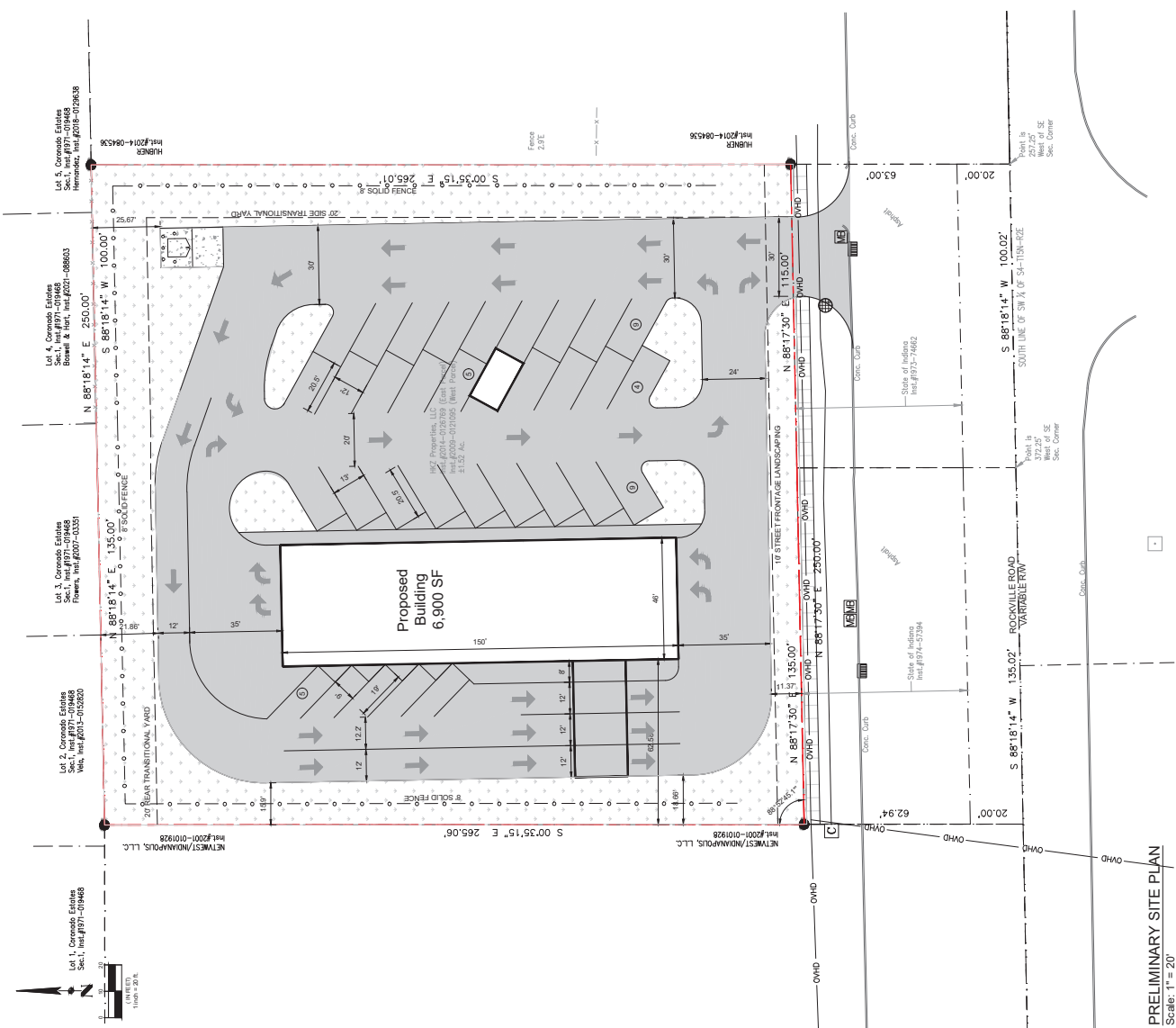
SITE LAYOUT NOTES:

1. ALL PAVEMENTS SHALL BE CONSTRUCTED TO MEET THE CITY OF INDIANAPOLIS DESIGN STANDARDS AND SPECIFICATIONS.
2. ALL PAVEMENTS ARE TO BE 4" PAINTED WHITE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO EDGE OF PAVEMENT OR FACE OF CURB, WHERE APPLICABLE.
4. WHERE APPLICABLE, CONTRACTOR TO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AFFECTED AGENCIES.
5. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ELEVATIONS IN THE PLANS AND FIELD. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AFFECTED AGENCIES.
6. PROVIDE SMOOTH TRANSITION FROM EXISTING PAVED AREAS TO EXISTING ASPHALT DRIVEWAYS AND SIDEWALKS. ALL NEW DRIVEWAYS AND SIDEWALKS SHALL BE CONSTRUCTED TO MEET THE CITY OF INDIANAPOLIS DESIGN STANDARDS AND SPECIFICATIONS.
7. ASPHALT PAVEMENT IS TO BE CONSTRUCTED TO MEET THE CITY OF INDIANAPOLIS DESIGN STANDARDS AND SPECIFICATIONS. ALL NEW DRIVEWAYS AND SIDEWALKS SHALL BE CONSTRUCTED TO MEET THE CITY OF INDIANAPOLIS DESIGN STANDARDS AND SPECIFICATIONS.
8. RESURFACE OR RECONSTRUCT AT LEAST TO ORIGINAL CONDITIONS ALL AREAS DAMAGED BY CONSTRUCTION. ALL AREAS DAMAGED BY CONSTRUCTION SHALL BE RECONSTRUCTED TO MEET THE CITY OF INDIANAPOLIS DESIGN STANDARDS AND SPECIFICATIONS.
9. ALL UTILITY TRENCHES WITHIN 5 FEET OF PAVEMENT SHALL BE COMPLETELY BACKFILLED WITH GRANULAR MATERIAL.
10. ALL RAISE INDICATED SHALL BE CONSTRUCTED AS CIRCULAR ARCS.
11. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL AFFECTED AGENCIES.

DEVELOPMENT SUMMARY

TOTAL SITE AREA = 1.52 AC.±
 ZONING = C-1 REGIONAL COMMERCIAL
 PARKING CALCULATIONS: REQUIRED 5 EMPLOYEE SPACES PROVIDED
 PROPOSED VACUUM SPACES = 35

LEGEND



PRELIMINARY SITE PLAN
 Scale: 1" = 20'

RED BARN ENGINEERING COMPANY, LLC
 CIVIL ENGINEERING CONSULTING SERVICES
 317.677.6797
 WWW.REDBARNENGINEERINGCO.COM
 CHMS@REDBARNENGINEERINGCO.COM

Prepared For:
 Mr. Tony Vidya - 317.658.1316

PROPOSED CARWASH
 8830 & 8850 Rockville Road
 Indianapolis, Indiana 46234

Certified By

Date: 11/02/2021

Project Number
 21-36-01

Item 13.



METROPOLITAN DEVELOPMENT COMMISSION **March 13, 2025**
HEARING EXAMINER

Case Number: 2024-CZN-853 / 2024-CVR-853

Property Address: 420 West 40th Street (Approximate Address)

Location: Washington Township, Council District #7

Petitioner: Edith Glover, by Lester Wiley Carver

Current Zoning: D-5
Rezoning of 0.38-acre from the D-5 district to the C-3 district.

Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to legally establish an existing surface parking lot, with a zero-foot front transitional yard setback, with landscaping within the right-of-way (minimum ten-foot transitional yard with landscaping on subject parcel required), and a nine-foot east transitional yard setback (minimum ten-foot transitional yard required).

Current Land Use: Parking Lot

Staff Recommendations: Denial

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This petition was continued for cause from the January 23, 2025, hearing to the February 27, 2025 hearing at the request of staff to allow time for the petitioner to provide staff with additional information for review.

This petition was continued for cause from the February 27, 2025 hearing to the March 13, 2025 hearing at the request of the petitioner to allow additional time to consider amending the request and possibly provide new notice. The request was not amended and new notice was not needed.

STAFF RECOMMENDATION

Staff **strongly recommends denial** of the request.

PETITION OVERVIEW

LAND USE

The 0.38-acre subject site is developed with a recently paved parking area that was constructed without permits per a violation case, VIO24-005571, that notes the failure to obtain a drainage permit for land alteration.



**Department of Metropolitan Development
Division of Planning
Current Planning**

The site is surrounded by single-family dwellings to the west, north and partially to the east, zoned D-5, a commercial property to the east which the parking lot would be associated with, zoned C-3, and a single-family and two-family dwelling to the south, zoned D-5 and C-1.

REZONING

The request would rezone the property from the D-5 district to the C-3 district.

The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book.

The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail, and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters.

VARIANCE OF USE AND DEVELOPMENT STANDARDS

Per Table 743-2: Use Table, a commercial parking lot is not permitted in the current D-5 district and is not permitted as a primary use in the proposed C-3 district. For this reason, the petitioner is requesting a variance of use to allow the use of the site as a surface parking lot in association with the property at 4002 Cornelius Avenue operated as a community center.

Per Table 744-201-3: Dimensional Standards for Districts C-1, C-3, C-4, C-5, C-7 and C-S, the proposed C-3 district in the Compact Context Area would require ten-foot front and side transitional yards. The parking lot has a zero-foot front transitional yard and a nine-foot east transitional yard.

STAFF ANALYSIS

The grant of the requests would permit the rezoning of the subject site to the C-3 district for a surface parking lot with deficient landscaping and transitional yards.

Staff is strongly against the C-3 district at this location because the zoning district would not permit the intended use of the site as a surface parking lot. Instead, a companion variance of use is requested for the proposed use which negates the rezoning request. Additionally, approval of the rezoning would potentially open the site to be developed in the future for other C-3 permitted uses that would encroach further into the residential neighborhood.



**Department of Metropolitan Development
Division of Planning
Current Planning**

The initially submitted site plan noted a six-foot tall perimeter fence, which the petitioner has agreed to rectify by providing a compliant fence.

Staff is hesitant to support a variance of use and associated development standard variances requested due to the C-3 rezoning request. If approved, the parking lot could also be used in association to other C-3 permitted uses that would operate from the primary building at 4002 Cornelius Avenue. Currently, uses are limited at 4002 Cornelius Avenue due to the limited parking on site, which protects the neighborhood from uses that would otherwise create more traffic, lighting, and noise. The petitioner proposed a commitment to not build any buildings at 402 West 40th Street if the request were approved.

Staff would recommend the petitioner seek flora permits with the Department of Business and Neighborhood Services to be able to install the required frontage and transitional yard landscaping in the right-of-way to buffer the parking lot from the residents to the south.

If the subject site was owned and operated by a charitable, philanthropic, or not-for-profit institution staff was encouraging the rezoning of the subject site and the property at 4002 Cornelius Avenue to the SU-7 district that would be more compatible with the residential neighborhood. However, the petitioner confirmed that it is not and could not be rezoned as such.

Currently, the site is accessed by its users through a carpool service. It was mentioned that two vans and three cars transport 20 to 30 people on site. The vans park at 4002 Cornelius Avenue and the cars use the available street parking. Although this system may not be ideal, staff cannot support a surface parking lot at the subject site when the property could be utilized as intended for residential development.

The need for a surface parking lot can be an indication that the current operation has expanded to a point that would require the business to relocate.

For these reasons, staff is recommending denial of the request.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Parking Lot	
Comprehensive Plan	Traditional Neighborhood	
Surrounding Context	<u>Zoning</u>	<u>Land Use</u>
	North:	D-5 Residential
	South:	D-5 / Residential / Commercial
	East:	D-5 / Residential / Commercial
	West:	D-5 Residential
Thoroughfare Plan		
40 th Street	Local Street	48-foot proposed right-of-way and 70-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	



Department of Metropolitan Development
Division of Planning
Current Planning

Overlay	No
Wellfield Protection Area	No
Site Plan	October 19, 2024
Site Plan (Amended)	January 31, 2025
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	October 21, 2024
Findings of Fact (Amended)	N/A
C-S/D-P Statement	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)
- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends traditional neighborhood development of the site.
- The Traditional Neighborhood typology includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.
- **Conditions for All Land Use Types**
 - All land use types except small-scale parks and community farms/gardens in this typology must have adequate municipal water and sanitary sewer.
 - All development should include sidewalks along the street frontage.
 - In master-planned developments, block lengths of less than 500 feet, or pedestrian cut-throughs for longer blocks, are encouraged.
- **Small-Scale Schools, Places of Worship, Neighborhood Serving Institutions/Infrastructure, and Other Places of Assembly**
 - Should be located along an arterial or collector street.



**Department of Metropolitan Development
Division of Planning
Current Planning**

- If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
- Schools should not be within 1000 feet of a highway, freeway, or expressway.
- **Large-Scale Schools, Places of Worship, Community Serving Institutions/Infrastructure, and Other Places of Assembly**
 - Should be located along an arterial or collector street. Large-Scale schools should only be located along arterial streets.
 - If proposed within one-half mile along an adjoining street of an existing or approved residential development, then connecting, continuous pedestrian infrastructure between the proposed site and the residential development (sidewalk, greenway, or off-street path) should be in place or provided.
 - Schools should not be within 1000 feet of a highway, freeway, or expressway.
 - Should be located within one-half mile of a bus or rapid transit stop.
 - In predominantly platted, single-family neighborhoods, site should be at least as wide as it is deep.
 - Should be in harmony with the surrounding neighborhoods and site and screen their parking, service, and emergency vehicle areas to buffer surrounding residential uses.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Indy Moves Transportation Integration Plan (2018), specifically IndyMoves PedalIndy 2018, proposes an active transportation bike neighborway along 40th Street from Haughey Avenue to 40th Street.
- Neighborways are slow speed, low volume streets shared by people driving and bicycling. They include improvements that calm traffic and give people walking and bicycling priority: 20 MPH speed limit signs, stop signs for side streets crossing the neighborway, speed humps and traffic circles, wayfinding signs and pavement markings, and easier crossings of busy streets with crosswalks, flashing beacons, or traffic signals.

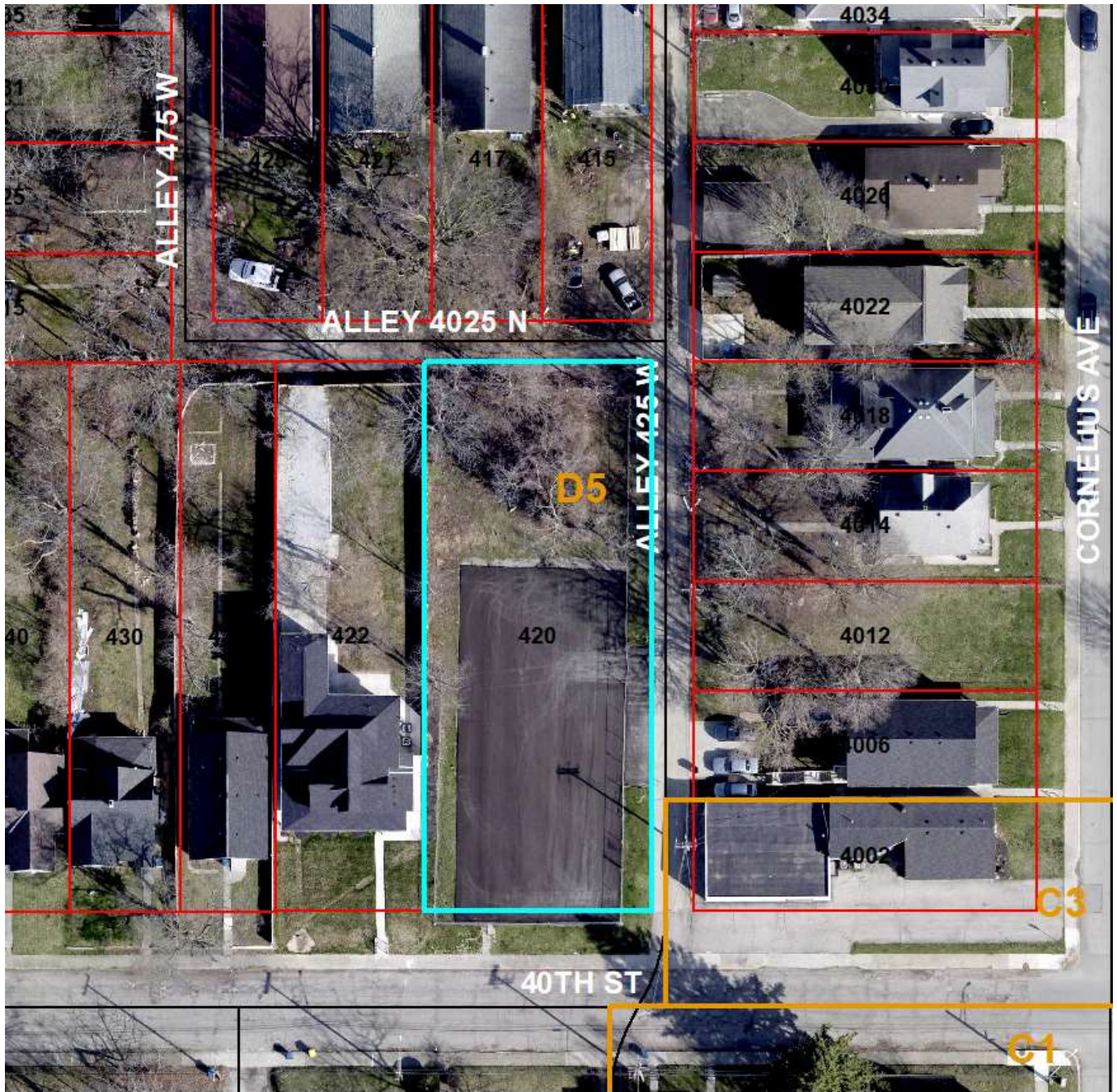


ZONING HISTORY

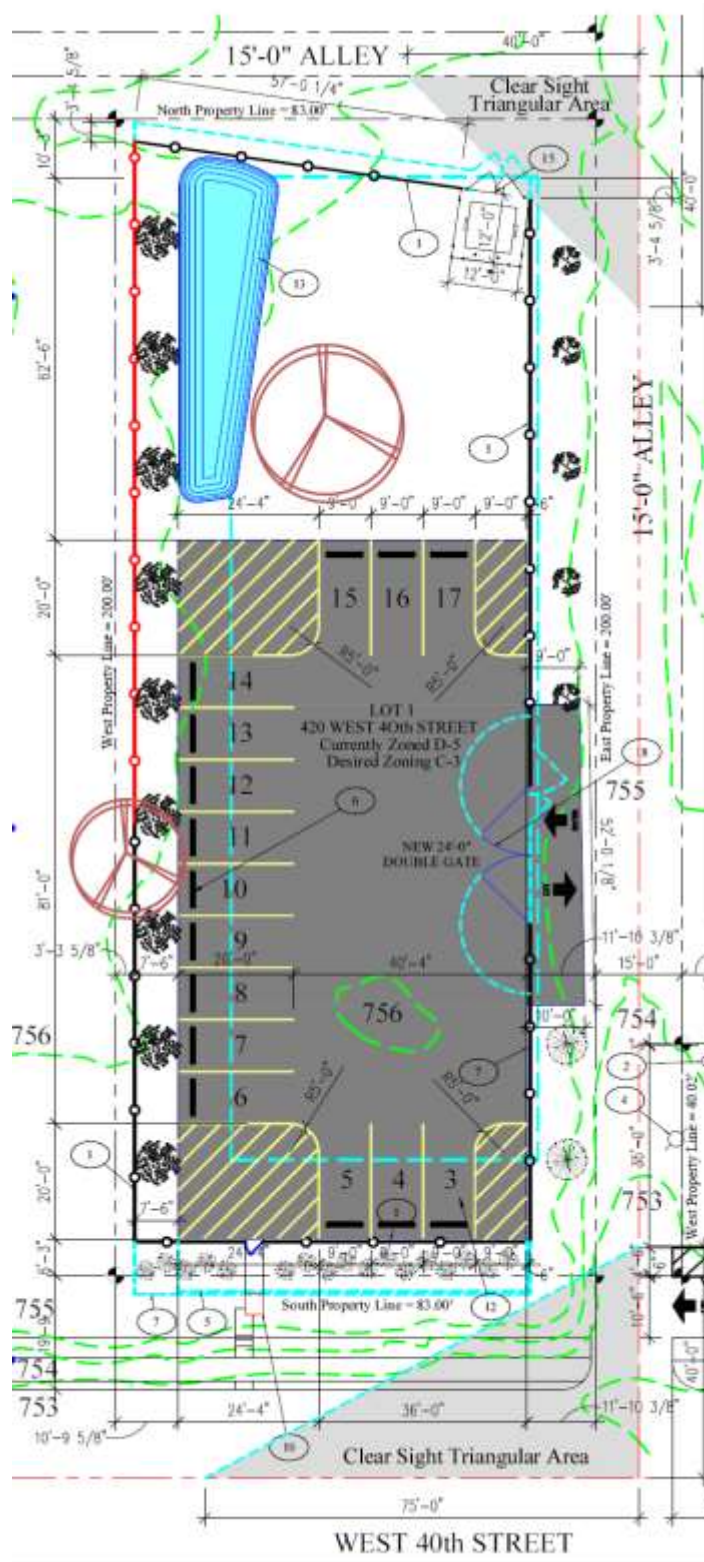
Zoning History - Vicinity

95-UV3-123; 3962 North Cornelius Avenue (southeast of site), Variance of use and development standards of the Commercial Zoning ordinance to provide for construction of a single-family residence (not permitted in a commercial district) with a 1.5-foot setback along 40th Street and 7.5 foot setback along Cornelius Avenue (minimum 10 foot setback from the proposed right-of-way required, both), **granted.**

EXHIBITS



AMENDED SITE PLAN CLOSE-UP



PLAN OF OPERATION
420 WEST 40TH STREET
INDIANAPOLIS, INDIANA 46208

1. THE PRIMARY USE FOR THIS SITE WILL BE TO PROVIDE 15 PARKING SPACES
2. THE PRIMARY TIMES OF USE WILL BE DURING DAYTIME HOURS
3. THE PRIMARY USERS WILL BE SENIOR CITIZENS IN THE HARRISON BROOK CENTER
4. THE DOUBLE GATES WILL BE LOCKED WHEN THE PARKING LOT IS NOT IN USE
5. THE DUMPSTER ENCLOSURE WILL BE CLOSED UNLESS BEING FILLED OR EMPTIED
6. THE MAIN ENTRY TO THIS PARKING LOT IS FROM THE EAST ALLEY DOUBLE GATES
7. ACCESS TO THE STREET SIDEWALK IS AVAILABLE FROM CONCRETE STAIRS
8. USERS WILL WALK FROM THE PARKING LOT GATES TO THE ALLEY, TO THE CENTER
9. THIS PARKING LOT SERVES THE FACILITY LOCATED AT 4002 CORNELIUS AVENUE
10. THERE WILL BE TWO SITE LIGHT POLES WITH HOUSE-SIDE SHIELDS
11. THERE WILL BE LANDSCAPING PER THE ATTACHED SITE PLAN
12. THERE IS AN ASPHALT PARKING LOT THAT WILL BE STRIPED PER THE SITE PLAN
13. THERE IS A DRY WATER RETENTION POND ON THE SITE

HARRISON BROOK CENTER

4002 CORNELIUS AVENUE

INDIANAPOLIS, INDIANA 46208

PLAN OF OPERATION

DESCRIPTION OF FACILITY

The Harrison Brook Center is a one-story facility that will be used for a Senior Day Lounge, Games and Arts & Crafts Room. The total occupant load is 110 persons.

There will be (1) Women's Handicapped Accessible Restroom. There will be (1) Men's Handicapped Accessible Restroom. There will be (1) Handicapped Restroom for Staff.

There will be (1) Lounge with a Raised Platform for presenters, performers & musicians. The Lounge will have an (84) person seating capacity. There will also be an Activity Room for games that accommodates 12 persons and an Arts & Crafts Room that serves (8) persons.

There will be (1) ADA Handicapped Accessible Parking Space Available & (1) ADA Van Accessible Handicapped Parking Space Available. There will be (15) Additional Parking Spaces will be available on the Commercial Parking Lot across the alley at 420 East 40th Street.

➤ **SIZE OF FACILITY**

The Entire Building is a 3,432 Square Feet Building.

➤ **NUMBER OF EMPLOYEES**

This Facility is Operated by (6) Employees.

➤ **SECURITY PROVISIONS**

There is no security provided at this facility.

➤ **HOURS OF OPERATION**

The Senior Day Lounge Hours of Operation Are 8:00 AM – 5:00 PM Daily.



Passion for caring led Edith Glover to open Harrison Brook Center

It's obvious **Edith Glover** has a heart for others.

A retired nurse with a son who is **autistic** and owner of **home services business for families with disabled loved ones**, Glover has been a **caregiver** — both professionally and personally — her entire life. So, it made perfect sense for Glover to buy a building, name it **Harrison Brook Center** and provide a **safe venue for entertainment and socialization for those with developmental disabilities and senior citizens — two often overlooked populations**, Glover said.

“When I first opened Harrison Brook Center, I did **arts and crafts**, jazz and blues for the special needs population,” Glover said. “From there, I went on to do it for **seniors and friends and families.**”

Glover bought the building at 4002 Cornelius Avenue in the **Butler-Tarkington** neighborhood in **2005**. She chose that neighborhood for Harrison Brook, a combination of Glover's and her mother's maiden names, because of its **prosperous past and historic significance to the Black community.**

“I chose the area that I did because at one time it was where our affluent — our doctors and lawyers — **lived,**” Glover said.

Music is one of Glover's passions as it helped her develop a special connection with her son, Lyle.

“I feel that I owe a lot to the music,” Glover said. “My son, who is nonverbal, he's 44 now, I found that in talking to him he ignored me. If I sang the same thing to him, he paid attention. That's why I feel I **owe** the music. The music was a bridge to reach my son. He's a very avid lover of blues so I try to see to it that I get a little blues in there from time to time for him”.

On the second Monday of the month, Harrison Brook Center features a jazz and mocktail night for people with special needs.

Glover's passion for caring for others hasn't waned in all these years, friend Camille Thomas said. Instead, it grows as Glover tries to find more ways to support people with disabilities and seniors.

“What she does makes a difference in lives,” Thomas said.

For information on **Harrison Brook Center**, call **317-702-8937**.

PER TABLE 802
 1 Hour Fire Resistance Rating For Exterior Wall Less Than 10'-0" From Adjacent Construction

3,482 SQUARE FEET FACILITY

LIFE SAFETY PLAN
 SCALE 1/8"=1'-0"

100 OCCUPANT LOAD CALCULATION			
ROOM #	ROOM NAME	FLOOR AREA	OCCUPANTS
02	VESTIBULE	30 SF	20 PERSONS
03	WASH AREA	26 SF	10 PERSONS
10	MEANS ROOM	12 SF	10 PERSONS
10A	WOMEN'S RESTROOM	12 SF	10 PERSONS
04	RESTROOM	12 SF	10 PERSONS
05	MEDICAL ROOM	30 SF	1 PERSON
06	CLERK	250 SF	20 PERSONS
107	PLASTER	104 SF	10 PERSONS
08	CLERK	1250 SF	20 PERSONS
09	CLERK	600 SF	2 PERSONS
11	ACTIVITY ROOM	300 SF	10 PERSONS
12	ARTS & CRAFTS	50 SF	1 PERSON

FIRE EXTINGUISHER CABINET
 SCALE 1/4"=1'-0"

FIRE EXTINGUISHER PLAN
 SCALE 1/4"=1'-0"

100% CONSTRUCTION DOCUMENTS
 HARRISON BROOK ACTIVITY CENTER
 PROPOSED ADDITION & RENOVATION
 4001 Carverton Avenue
 Indianapolis, Indiana 46228
 LIFE SAFETY PLAN

A1.0



METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA

PETITION FOR VARIANCE OF USE

FINDINGS OF FACT

1. THE GRANT WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BECAUSE

This parking lot is intended to provide parking for the building located across the alley at 4002 Cornelius Avenue. This is the Harrison Brook Center that provides daytime gatherings, entertainment and activities for elderly people. The handicapped parking space and van accessible handicap parking space are located in front of the building. The parking lot has 2 site lighting poles with house-side shields, a fence with a locked gate, a dumpster enclosure & a dry pond water retainage area.

2. THE USE AND VALUE OF THE AREA ADJACENT TO THE PROPERTY INCLUDED IN THE VARIANCE WILL NOT BE AFFECTED IN A SUBSTANTIALLY ADVERSE MANNER BECAUSE

The property adjacent to 420 West 40th Street is separated by an alley to the North & East sides and 40th Street To the South side. The property to the West side has a 6'-0" privacy fence as well as a 6'-0" high chain link fence That separate the properties and will have landscaping that enhances the appearance of the parking lot area.

3. THE NEED FOR THE VARIANCE ARISES FROM SOME CONDITION PECULIAR TO THE PROPERTY INVOLVED BECAUSE

The commercial parking lot is an Accessory Use for a C-3 property but needs a Variance of Use to be A Permitted Use. The existing site is Zoned D-5 and needs to be Rezoned to C-3.

4. THE STRICT APPLICATION OF THE TERMS OF THE ZONING ORDINANCE CONSTITUTES AN UNUSUAL AND UNNECESSARY HARDSHIP IF APPLIED TO THE PROPERTY FOR WHICH THE VARIANCE IS SOUGHT BECAUSE

The elderly people who use the Harrison Brook Center property across the alley from this site at 4002 Cornelius Avenue would not have access to the additional 15 parking spaces provided at 420 West 40th Street that will Provide the additional 15 parking spaces required for this facility.

5. THE GRANT DOES NOT INTERFERE SUBSTANTIALLY WITH THE COMPREHENSIVE PLAN BECAUSE

This parking lot is primarily used during the daytime and reduces the building density because there is no Physical structure on the site except for the commercial parking lot which is consistent with the C-3 Commercial Moderate Density Neighborhood.

DECISION



Photo of the subject site.



Photo of the subject site.



Photo of the alley east of the subject site looking south.



Photo of the alley north of the site looking west.



Photo of the subject site looking west.



Photo of the subject site looking west.



Photo of the existing gate on site.



Photo of the western property boundary of the site.



Photo of the residential property north of the site.



Photo of the alley east of the site looking north.



Photo of the building east of the site that the parking lot would be associated with.



Photo of the residential dwelling east of the site.



Photo of the residential dwellings east of the site.



Photo of the western property boundary and adjacent single-family dwelling west of the site.



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER**

March 13, 2025

Case Number:	2025-CZN-802 / 2025-CPL-802 / 2025-CVR-802 (Amended)
Property Address:	5801 Mills Road (Approximate Addresses)
Location:	Decatur Township, Council District #21
Petitioner:	Grand Communities, LLC, by David Gilman
Current Zoning:	SU-2 Rezoning of 16.5 acres from the SU-2 District to the D-4 District to provide for attached single-family dwellings. Approval of a Subdivision Plat to be known as Oak Springs, dividing 16.5 acres into 74 lots.
Request:	Waiver of the Subdivision Regulations 741-303. B.3.c and 741-303. B.3.d. to provide for dead-ended streets (Dead-ended Streets prohibited). Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for 76-foot lot width for all lots (minimum 90-foot lot width required), seven lots with lot areas ranging from 9,194 square feet to 9,815 square feet (minimum 10,000 square foot lot area required), and 10 lots without public street frontage (public street frontage required).
Current Land Use:	Undeveloped
Staff Recommendations:	Denial
Staff Reviewer:	Desire Irakoze, Principal Planner II

PETITION HISTORY

The Hearing Examiner continued these petitions from the February 20, 2025, hearing to the March 13, 2025, at the request of the petitioner.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

PETITION OVERVIEW

LAND USE

The 16.5-acre subject site is proposed to be developed with a two-family dwelling subdivision to be known as Oak Springs Subdivision in the Valley Mills neighborhood. The surrounding land use are varying types of residential uses, mainly D-4.



Department of Metropolitan Development
Division of Planning
Current Planning

REZONING

The petitioner seeks to rezone the property from the SU-2 districts to the D-4 district to provide for a paired patio residential dwelling. The Comprehensive Plan calls for the Suburban **Neighborhood typology**, which is predominantly made up of single-family, allows for interspersed attached where appropriate.

However, concerns have been raised regarding compliance with suburban neighborhood design principles:

Street Connectivity: The proposed plat includes two dead-end streets, which do not align with best practices for well-connected street networks.

Housing Diversity: The development lacks variation in housing types, as it consists entirely of attached housing rather than an interspersed mix of detached and attached units.

SU-2 (Special Use District Two): Which permits schools.

D-4 (Dwelling District Four): For low or medium intensity single-family and two-family residential development at a typical density of 4.2 units per acre. Land in this district needs good thoroughfare access, relatively flat topography, and nearby community and neighborhood services and facilities with pedestrian linkages. Provisions for recreational facilities serving the neighborhood within walking distance are vitally important.

PLAT

The request would provide for a subdivision plat known as Oak Springs that would divide the parcel into 74 lots. The homes would be paired patio homes.

Streets

The subdivision layout includes two permanently dead-ended streets, necessitating the following waiver requests:

- **Waiver from Sec. 741-303.3(d)** – Prohibition on permanently dead-ended streets (excluding cul-de-sacs).
- **Waiver from Sec. 741-303. A.6** – Requirement that all streets be dedicated to the public.
- **Waiver from Sec. 741-303. B.3(c)** – Requirement to extend existing or platted streets to the property boundary for future connectivity.

Please see waiver request section

Sidewalks



Department of Metropolitan Development
 Division of Planning
 Current Planning

The submitted primary plat (dated 1/3/2025) proposes five-foot sidewalks, whereas **Sec. 744-302. B.1** requires a minimum sidewalk width of six feet in the D-4 zoning district. . The plat must be revised accordingly.

Table 744-302-1 Minimum Sidewalk Widths		
District	Street Classifications	Minimum Sidewalk Width
D-S, D-A, D-1, D-2, D-3, and D-4, D-6 and D-7	Collector, Local, and Cul-de-sac	6'
	All other streets	6'

Open Space Amenities:

The proposed development does not comply with **Sec. 741-310. B.2**, which mandates additional open space components for subdivisions exceeding 20 dwelling units. The submission does not meet the required standards for open space amenities. The plat must be revised to show 2 additional amenity components.

WAIVER REQUEST

Request: The applicant is proposing two streets that have permanent dead ends.

Ordinance: Sec. 741-303.3. d. *“Permanently dead-ended streets and alleys, except for cul-de-sac streets, are prohibited.”*

Findings of Fact:

The Committee shall not approve waivers or modifications unless it finds based upon the evidence presented to it in each specific case that:

1. *The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property because:*

Petitioner Findings: The proposed dead-end streets will be constructed to the private street standards and have been approved by the Decatur Township Fire Department.

Staff Findings: Dead-end streets pose a public health and safety as they create problems for municipal services, along with fire department, they also create havoc for trash services, snow removal, street maintenance, postal services and more.

2. *The conditions upon which the request is based are individual to the property for which the relief is sought and are not applicable generally to other property because:*

Petitioner Finding: The proposed street pattern makes the best design and use of the property given the two-family development and efficient access to individual units.

Staff Findings: The condition upon which the request is based on is due to the petitioner’s interest in having 10 more lots. A reduction in the number of lots or a reconfiguration of the layout would dismiss the need for a waiver.



- 3. *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out:*

Petitioner Findings: The creation of more private street to make a continuous loop will make it more difficult for the maneuverability of the larger fire apparatus and service delivery vehicles.

Staff Findings: Simply making the streets private does not solve the problem as private streets are only allowed in the zoning ordinance under specific circumstances, that this petition does not qualify. The easy solution to this would be to reduce the number of lots.

- 4. *The resulting subdivision fulfills the purpose and intent of these regulations at an equal or higher standard than what would have been possible without the deviation because:*

Petitioner Findings: The street pattern makes the best use of the lot configuration and will continue to provide safe access to all homes. The relatively short dead-end streets have been endorsed by the Decatur Township Fire Department and will not create any difficulty with the delivery of goods and services.

Staff Findings: The does not maintain private streets, The HOA will be response for the snow removal, maintenance and upkeep thus not a higher standard.

- 5. *The relief sought shall not in any manner vary from the provisions of the Zoning Ordinance, or official zoning base maps, except as those documents may be amended in the manner prescribed by law because:*

Petitioner Findings: The petition for private streets is also part of the rezoning and plat approval for this development.

Staff Findings: Relief sought varies from Zoning Ordinance Sec. 741-303. A.6. that does not allow for private streets.

Staff Analysis on Dead-End Streets

- **Public Service Access:** Dead-end streets create challenges for fire, emergency services, trash collection, snow removal, and street maintenance.
- **Alternative Solutions:** A reconfiguration or reduction in lot count could eliminate the need for these waivers.

SUBDIVISION PLAT REGULATIONS



Department of Metropolitan Development
Division of Planning
Current Planning

741-203 Required Documents for Approval	
741.201.A-C – Primary Plat Requirements:	Evaluation
<i>Plat name, Legal Description, Surveyor Seal, Scale</i>	Compliant
<i>Boundary Lines, Existing Street Names, and dimensions</i>	Compliant
<i>Layout of Proposed Streets – names, widths, classifications</i>	Wavier Requested
<i>Layout of all easements and purpose thereof</i>	Compliant
<i>Layout of lots with numbering and dimensions</i>	Not Compliant
<i>Floodway/Floodplain Delineation</i>	Compliant
<i>Topographic Map</i>	Compliant
<i>Area Map</i>	Compliant
741-203.D – Traffic Control Plan	Evaluation
<i>Traffic control street signs and devices.</i>	Compliant
<i>Traffic calming devices</i>	Compliant
<i>Bicycle facilities.</i>	#N/A
<i>Sidewalks and pedestrian facilities.</i>	Not Compliant
<i>Transit facilities, such as bus stops pads or shelter.</i>	#N/A
<i>Street lighting.</i>	Not Compliant
741-203.E– Natural infrastructure plan (major plats containing more than 20 lots)	Evaluation
<i>Placement of all proposed drainage facilities for the subdivision, indicating type of facility and if the facility is to be designed to be wet or dry</i>	Compliant
<i>Location of Open Space Areas of the open space common area, indicating size and general improvements</i>	Not Compliant
<i>Location of any Stream Protection Corridors in accordance with Section 744-205 (Stream Protection Corridors)</i>	#N/A
741-205 – Waivers:	Evaluation
<i>The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property</i>	Wavier Requested
<i>The conditions upon which the request is based are individual to the property for which the relief is sought and are not applicable generally to other property</i>	Wavier Requested
<i>Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;</i>	Wavier Requested
<i>The resulting subdivision fulfills the purpose and intent of these regulations at an equal or higher standard than what would have been possible without the deviation; and the relief sought shall not in any manner vary from the provisions of the Zoning Ordinance, or official zoning base maps, except as those documents may be amended in the manner prescribed by law.</i>	Wavier Requested
741-300 Design And Installation Standards	
741-302.A – Lots:	Evaluation
<i>Comply with zoning district and any cluster approval or variance grant.</i>	Variance Requested
<i>Lots must have positive drainage away from buildings.</i>	Complaint
<i>No more than 25% of lot area may be under water.</i>	Complaint
<i>Side lots lines at right angles to streets or radial to curving street line.</i>	Complaint
<i>Layout of lots with numbering and dimensions.</i>	Complaint
<i>Floodway/Floodplain Delineation</i>	Complaint
<i>Topographic Map.</i>	Complaint



Department of Metropolitan Development
Division of Planning
Current Planning

741-302.B – Frontage and Access:	Evaluation
<i>Through lots should be avoided except where necessary for primary arterial separation and topography challenges.</i>	Complaint
<i>Triple frontage lots are prohibited.</i>	Complaint
<i>Lots abutting alleys must have vehicular access exclusively from alley.</i>	#N/A
<i>Lots shall not have direct access to arterial streets.</i>	Complaint
<i>Non-residential plats shall provide cross-access easements to limits points of access to existing street network to no more than one per 500 feet.</i>	#N/A
741-302.C – Blocks:	Evaluation
<i>Shall not exceed maximum block lengths per Table 741-302.1</i>	Complaint
<i>If exceeded, it must be demonstrated that:</i>	#N/A
<i>There are improved pedestrian easements at intervals of 400 feet or less.</i>	#N/A
<i>Adequate traffic calming provisions are made.</i>	#N/A
<i>The block length must be exceeded because of physical conditions of the land the impact of the connection upon the existing street system</i>	#N/A
741-303 Streets and Connectivity	
741-303.A – General:	Evaluation
Subdivisions shall provide a logical street layout in relation to topographical conditions, public convenience, safety, multi-modal use and the proposed use of the land to be served by such streets. <i>Triple frontage lots are prohibited.</i>	Compliant
Streets shall intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than 75 degrees.	Compliant
Not more than two streets shall intersect at any one point	Compliant
Bicycle lanes meeting the Indiana Manual on Uniform Traffic Control Devices (IMUTCD) for location, width, and marking shall be provided along collector	N/A
All streets shall be dedicated to the public. Alleys may be private	Not Compliant
Turn lanes or other improvements recommended by the Department of Public Works shall be added to the existing street system to minimize the impact of the connection upon the existing street system.	
741-303.B – Through Connectivity (Metro Context Area):	Evaluation
Emergency vehicles must not have to use more than two different local streets (any street other than a primary arterial)	Compliant
Permanently dead-ended streets and alleys, except for cul-de-sac streets, are prohibited.	Wavier Requested
All existing or platted streets that terminate at the property boundary line of a proposed subdivision shall be continued into the proposed subdivision to provide street connections to adjoining lands and streets within the proposed subdivision.	Wavier Requested
Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 125 ft. between their centerlines.	Compliant
Whenever cul-de-sac streets are created, a 15-foot-wide pedestrian access/public utility easement shall be provided between the cul-de-sac head or street.	#N/A
Subdivisions with 30 or more lots shall have more than one entrance to the existing street network	Compliant
741-303.D – Cul-de-sacs (Metro Context Area):	Evaluation
In the Metro Context Area, cul-de-sac lengths shall not exceed 500 feet or serve more than 20 dwelling units.	#N/A
741-304-316 Additional Development Items	
741.304.A-C – Traffic Control Devices:	Evaluation
<i>Street name signs, traffic control signs, bike route signs.</i>	Compliant
<i>Traffic control devices for streets exceeding 900 feet in length.</i>	#N/A



**Department of Metropolitan Development
Division of Planning
Current Planning**

<i>Bicycle Facilities for subdivisions with a collector street serving more than 100 dwelling units.</i>	#N/A
741.305 – Numbering and naming:	Evaluation
<i>Street numbering per adopted addressing guidelines.</i>	
<i>Streets that are extensions or continuations of existing or approved streets must bear the name of such existing street.</i>	#N/A
741.306 – Sidewalks:	Evaluation
<i>Sidewalks shall be provided along all internal and external streets.</i>	Compliant
741.307-309 – Easements, Utilities, Stream Protection Corridors:	Evaluation
<i>Utility easements shall be located along lot lines and shall be a minimum of 10 feet.</i>	Compliant
All BMPs and drainage facilities must be located within an easement. The easement must accommodate adequate access for maintenance	Compliant
Generally, pedestrian easements shall be 15 feet in width and be considered open to the public unless specifically declared otherwise	Compliant
<i>All utilities shall be located underground</i>	Compliant
<i>All subdivisions must be designed in accordance with the Stream Protection Corridor requirements of Section 744-205</i>	Compliant
741.310 – Common Areas, Open Space and Public Sites (Compact Context Area):	Evaluation
<i>Required for subdivisions with more than 20 dwelling units</i>	Compliant
<i>Access easements shall be provided to connect all common areas to a public street right-of-way. The minimum width of such access must be at least 15 feet.</i>	Compliant
Basic Open Space Requirements: Multi-purpose path, natural landscaping area, entrance landscaping	Compliant
<i>Additional Open Space Requirements: Community Garden, dog park, game court, picnic area, playground, pool, etc. Additional component required for every 30 additional dwelling units overall</i>	Not Compliant
<i>Reservation of land for public/semi-public purpose.</i>	Not Compliant
741-312 – Monuments:	Evaluation
<i>Permanent reference monuments shall be placed in the subdivision by a Professional Surveyor. Where no existing permanent monuments are found, monuments must be installed no more than 600 feet apart in any straight line and in accordance with the schedule in Table 741-312-1.</i>	Compliant
741.313 – Flood Control:	Evaluation
<i>All development shall comply with all provisions of Section 742-203 (Flood Control Zoning District).</i>	#N/A
<i>Floodway and Floodway Fringe zones shall be delineated and labeled on the primary plat and the plat to be recorded</i>	#N/A
For Zone AE areas, the plat must show the BFE topographic line.	#N/A
<i>For Zone A areas, the plat must show the delineation study with the floodway and floodway fringe lines shown on the FIRM maps</i>	#N/A
741.316 – Street Lighting:	Evaluation
<i>All subdivisions must be designed and constructed in accordance with the Street Lighting requirements of Section 744-600 (Street and Exterior Lighting).</i>	Not Compliant

VARIANCE OF DEVELOPMENT STANDARDS

Variance Request #1:

To provide for 76-foot lot width for all lots (minimum 90- foot lot with required).

Zoning Ordinance: 742-103.G (Dwelling District Four) Table 742-103-6 D-4 Dimensional Standards



Department of Metropolitan Development
Division of Planning
Current Planning

Exhibit A	TABLE 742-103-6	
Variance Request	D-4 DISTRICT DIMENSIONAL STANDARDS	
LOT STANDARDS		
	Min Lot Area, Single-Family	7,200 sq. ft.
#2	Min Lot Area, Two-Family	10,000 sq. ft.
	Min Lot Width, Single-Family	60 ft.
#1	Min Lot Width, Two-Family	90 ft.
#3	Min Lot Frontage	30 ft.
	Min Open Space	65%

Findings of Fact:

1. *The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:*

Petitioner Response: The requested 7 interior lots with reduced lot area will continue to provide a safe and healthy living environment for all residents and the general public. The site is served with all required public utilities and has adequate access to a public street.

2. *The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:*

Petitioner Response: The site is proposed for paired patio homes that will be compatible with the single-family subdivisions developed within the same D-4 zoning district surrounding the site. The lots with reduced area are all located in the interior of the development. No adjacent property owner will be impacted by these 7 slightly smaller lots. The development's overall lot average is above the minimum required lot area.

3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:*

Petitioner Findings: The reduction of the required lot area is a result of the curve in the street pattern to act as a calming traffic control measure. The reduction in lot area for the interior lots will also provide more common space to landscape and provide additional community area. The development's overall lot average is above the minimum required lot area.

Staff Findings: This reduction in the required lot area is a result of the strict application of the Zoning Ordinance but of the desire for more dwelling units. If the petitioner reduced the number of dwelling units, they would be able to meet the lot area requirements.



Department of Metropolitan Development
Division of Planning
Current Planning

Variance Request #2:

To provide for seven lots with lot areas ranging from 9,194 square feet to 9,815 square feet (minimum 10,000 square foot lot area required)

Zoning Ordinance: See Table 742-103-6 (Exhibit A)

Findings of Fact:

1. *The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:*

Petitioner Response: The requested 16% reduction in lot width will continue to provide a safe and healthy living environment for all residents and the general public. The site is served with all required public utilities and has adequate access to a public street.

2. *The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:*

Petitioner Response: The site is proposed for paired patio homes that will be compatible with the single-family subdivisions developed within the same D--4 zoning district surrounding the site. The proposed community will be mostly maintenance free and provide common areas and amenities for the residents.

3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:*

Petitioner Response: The proposed development is to provide a maintenance free environment for the homeowners. The reduction on the required lot width will minimize the area of private yard maintenance and provide more area for common open space and landscape planting area for the HOA.

Variance Request #3:

To provide for 10 lots without public street frontage (public street frontage required).

Zoning Ordinance: *Per Sec. 740.807 Street Frontage Requirements "No permit shall be issued for any use or structure unless the lot abuts upon and has adequate frontage on a public street (the right-of-way of which has been dedicated and accepted for maintenance by governmental agency having jurisdiction thereof, or the construction of which is bonded in accordance with the standards and requirements of the applicable municipal agency having jurisdiction) in accordance with the requirements of all*



Department of Metropolitan Development
Division of Planning
Current Planning

applicable ordinances, except as otherwise specifically authorized in zoning districts permitting private drives or interior access roads or by variance.”

Findings of Fact:

1. *The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:*

Petitioner Findings: The requested 10 lots with private street frontage will continue to provide a safe and healthy living environment for all residents and the general public. The site is served with all required public utilities and all lots will have adequate access to a public street.

Staff Findings: The grant will be injurious as private streets are not allowed by the zoning ordinance. Dedicated and accepted for maintenance is a crucial part as the maintenance of streets will fall on the HOA. Street maintenance is not cheap. Should the HOA disband the only street to these lots would be left in disrepair. The petitioner is requesting that only these 230 feet be dedicated private while the rest of the subdivision has public streets. That would be a heavy burden on just 10 lot owners.

2. *The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:*

Petitioner Findings: The site is proposed for paired patio homes that will be compatible with the single-family subdivisions developed within the same D-4 zoning district surrounding the site. The lots with a private street frontages are located at the southern end of the development. No adjacent property owner will be impacted by these by these 10 lots with private drives.

Staff Findings: The use and value of the area adjacent would be affected. This request puts the burden of the street maintenance on the HOA. These private streets would still require yearly snow removal services, maintenance and upkeep at the coast of either the entire HOA or just the 10 lots.

3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:*

Petitioner Findings: The lots with a private drive allow for a more practical development pattern and are all visible from the subdivision's public streets. Public safety vehicles will continue to have easy access to all of the lots since the private drives are paved, 20 feet wide and only for a short distance.

Staff Findings: Staff finds no practical difficulties as the petitioner can have a subdivision with the addition of the 10 lots and still have 64 dwelling units. This Variance request is based solely on the desire for more homes.



STAFF ANALYSIS

Based on the waiver and variance requests, as well as noncompliance with open space requirements and sidewalk standards, staff recommends denial of the request. The proposal does not align with the Comprehensive Plan's goals for suburban neighborhood development, nor does it meet the standards of the zoning ordinance.

Key Concerns:

- Street connectivity issues
- Noncompliance with sidewalk width requirements
- Private street maintenance burden
- Lack of housing diversity
- Open space deficiencies

For these reasons, staff is recommending **denial** of the request.

GENERAL INFORMATION

Existing Zoning	SU-2	
Existing Land Use	Commercial – undeveloped property	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Land Use
	North:	D-A Residential (Single-family dwellings)
	South:	D-4 Residential (Single-family dwellings)
	East:	D-4 Residential (Single-family dwellings)
	West:	D-4 Residential (Single-family dwellings)
Thoroughfare Plan		
Mills Road	Primary Collector	80-foot existing right-of-way and 80–91-foot proposed right-of-way.
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	Yes- Airspace Secondary Zoning District.	
Wellfield Protection Area	No	
Site Plan	N/A	
Site Plan (Amended)	N/A	
Elevations	N/A	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	1/7/2025	
Findings of Fact (Amended)	2/20/2025	
C-S/D-P Statement	N/A	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book (2019)

Pattern Book / Land Use Plan

- The Comprehensive Plan recommends light industrial and suburban neighborhood development of the site.

The **Suburban Neighborhood typology** is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Conditions for All Housing

- A mix of housing types is encouraged.
- Developments of more than 30 housing units must have access to at least one arterial street of 3 or more continuous travel lanes between the intersections of two intersecting arterial streets.
- Should be within a one-mile distance (using streets, sidewalks, and/or off-street paths) of a school, playground, library, public greenway, or similar publicly accessible recreational or cultural amenity that is available at no cost to the user.
- Should be oriented towards the street with a pedestrian connection from the front door(s) to the sidewalk. Driveways/ parking areas do not qualify as a pedestrian connection.

Attached Housing

- Duplexes should be located on corner lots, with entrances located on different sides of the lot or otherwise interspersed with detached housing.
- Duplexes should be architecturally harmonious with adjacent housing.
- Townhomes should be organized around intersections of neighborhood collector streets, greenways, parks or public squares, or neighborhood-serving retail.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site

Neighborhood / Area Specific Plan



**Department of Metropolitan Development
Division of Planning
Current Planning**

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves
(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Thoroughfare Plan 2019



ZONING HISTORY

ZONING HISTORY – SITE

73-Z-217; 5901 Mills Road, request rezoning of 40 acres being in A-2 district to the Su-2 Classification to permit construction of a Church and Education complex including Lifegate Baptist Church, Indiana Baptist College, and administration building and a day school all with parking areas. **Approved.**

ZONING HISTORY – VICINITY

97-Z-30; 6035 S High School Road (north of site) request rezoning of approximately 69.46 acres being in the D-A District to the D-3 classification to provide for a single-family residential development. **Approved.**

60-Z-163; (west of site) – requests rezoning of 72 acres, being in A-2 district, to R-3 classification to provide minimum requirements for residential use by platting. Located on the east side of Mooresville Road South from Mills Road in Decatur Township. **Approved.**

73-Z-319; 5500 to 5900 Furnas Road (northeast of site) request rezoning of 228.10 acres being in the A-2 district to the D-3 classification to provide for residential use by platting (568 lots) **Approved.** .

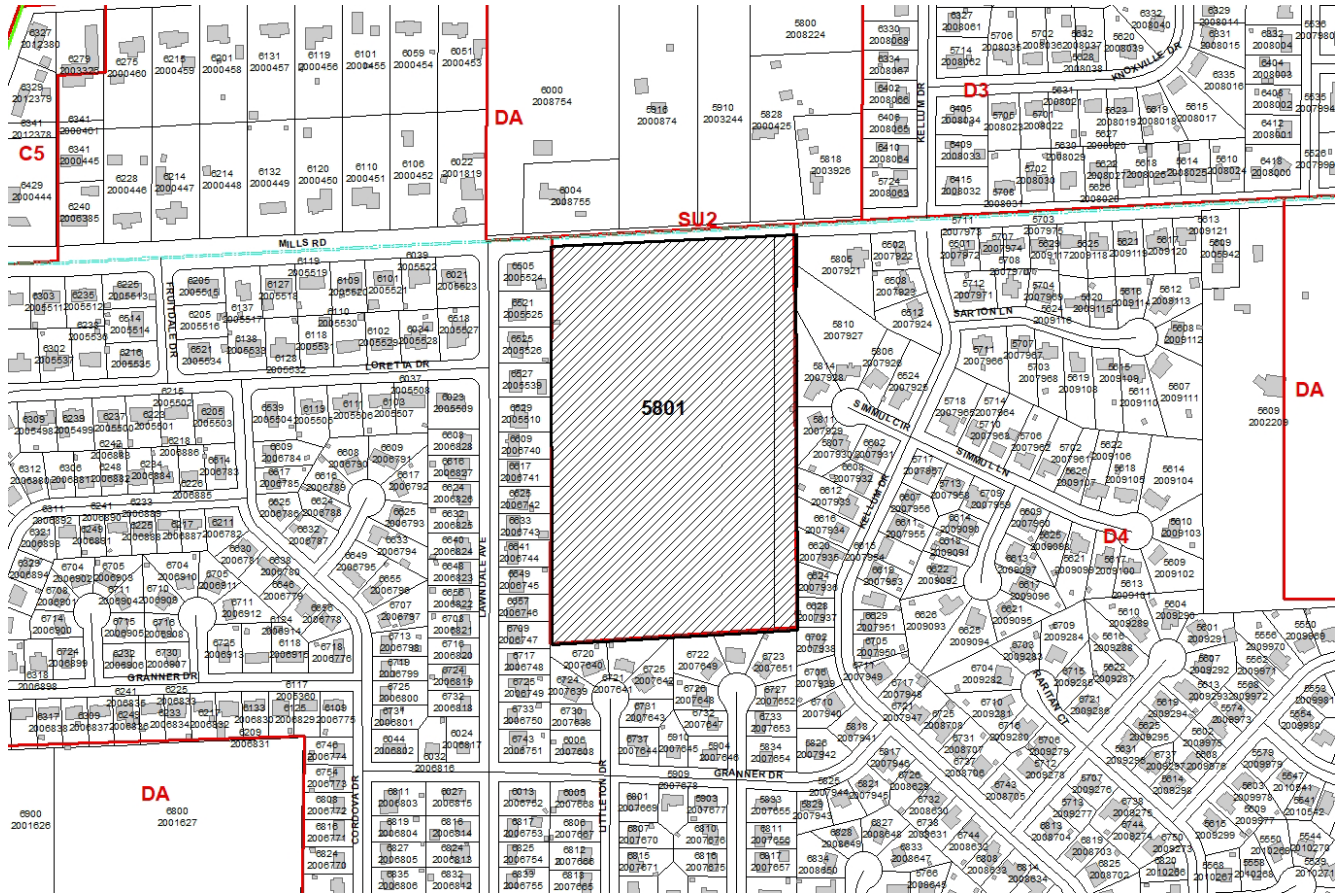
77-Z-111; 59111 Granner Drive (south of site) **Williams Enterprises, Inc. by James W. Beatty, Attorney**, request rezoning 24.08 acres being in SU-2 district to the D-4 Classification to permit residential use by platting. **Approved. (100 lots)**

78-Z-94; 5501 and 5155 Mills Road (east of site) **Indianan National Bank Trustee by James R. Nickels** Request rezoning of approximately 140.00 acres, being in SU-2, to D-4 Classification to permit single family dwellings by platting. **Approved.**



Department of Metropolitan Development
Division of Planning
Current Planning

EXHIBITS



Proposed Written Commitments
5801 Mills Road
Proposed Oak Springs Community
November 21, 2024

1. The property shall be developed in substantial compliance with the site plan attached hereto as **Exhibit A**.
2. The paired patio homes shall be substantially similar to the residential elevations attached hereto as **Exhibit B**.
3. No two same building elevations shall be constructed next to each other on the same street frontage.
4. A Homeowners Association (“HOA”) shall be created to maintain the exterior building facades, landscaping, and lawns, common areas and community amenities.
5. A sidewalk shall be constructed along Mills Road and provide connectivity to the interior sidewalks.
6. The Owners of the respective Dwelling Units or any first mortgagees in possession thereof shall have the right to lease the same subject to the covenants and restrictions in the Declaration and the Regulations and rules and regulations, if any. However, neither a Unit Owner nor any first mortgagee in possession shall lease less than an entire Dwelling Unit nor shall any Dwelling Unit be leased for a term of less than six (6) months. All leases of any Dwelling Unit shall be in writing. Within seven (7) days of entering into a lease agreement for the lease of a Lot, the Owner is responsible for providing the Board with the following information: (i) a copy of the fully executed lease agreement; (ii) the name and address of the Tenants and any other Occupant(s). **The Decatur Twp Land Use Committee and the developer agreed to continue to negotiate the rental covenants.**

Exhibit A



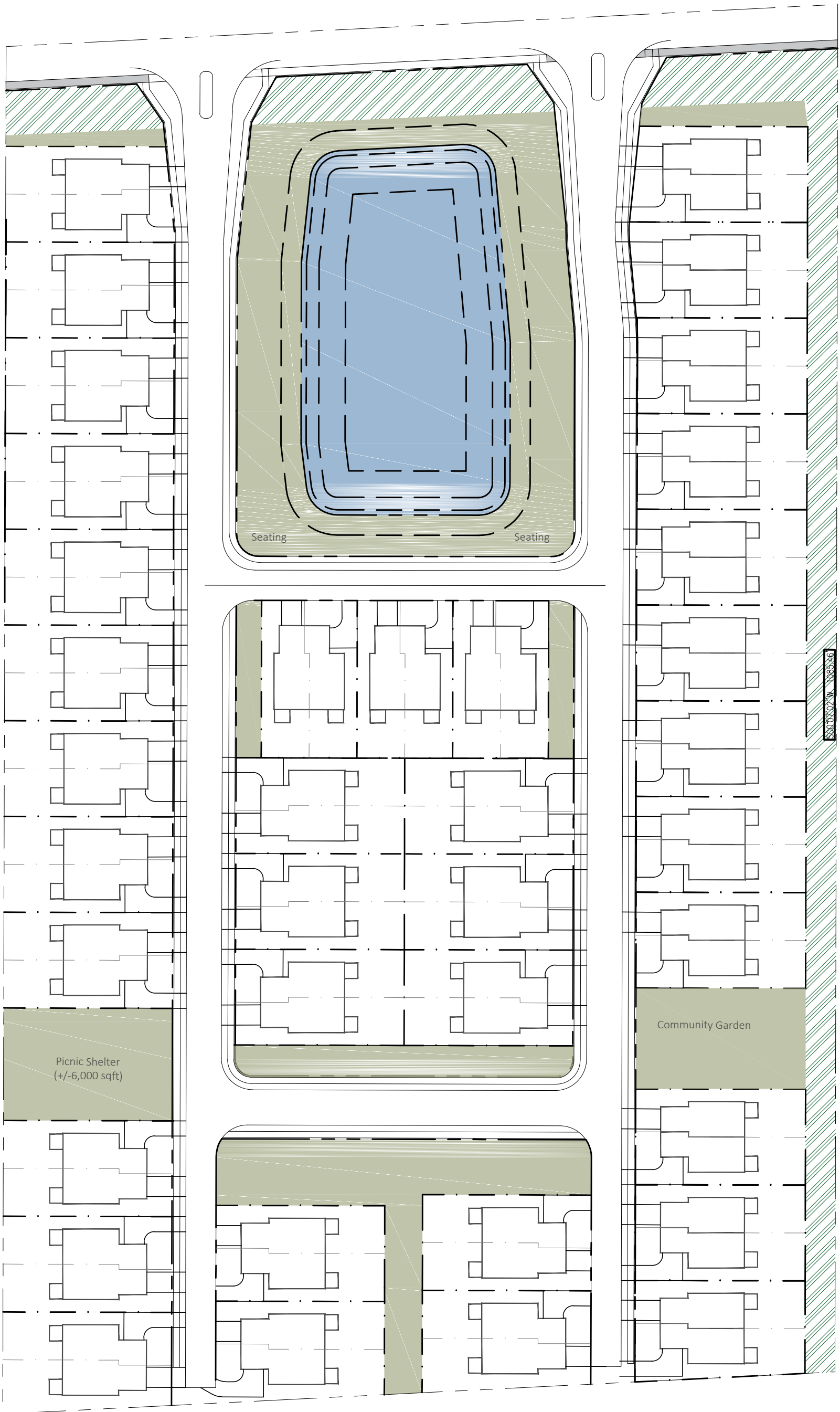
Grand Communities, LLC
Oak Springs Decatur Township, Marion County, Indiana
Illustrative Concept Plan


November 21, 2024

Exhibit B







37 Paired Patio Homes
 74 Total Units
 16.5 Acres
 4.48 units per acre

Grand Communities, LLC

Archdiocese of Indianapolis

Decatur Township, Marion County, Indiana

Concept Plan

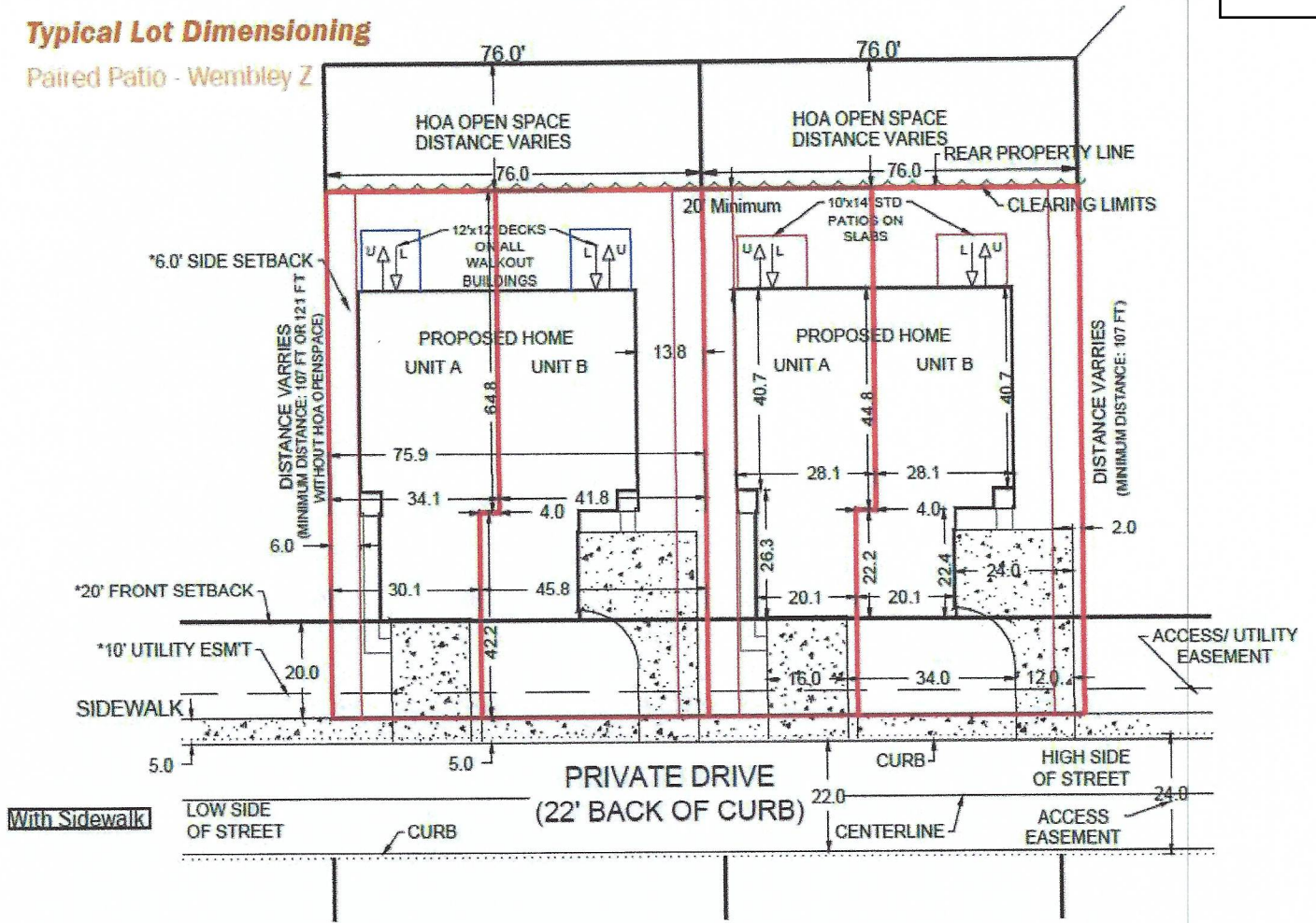


0' 40' 80'

November 19, 2024

Typical Lot Dimensioning

Paired Patio - Wembley Z



**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

2025-CVR-802

**PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS
FINDINGS OF FACT**

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The requested 16% reduction in lot width will continue to provide a safe and health living environment for all residents and the general public.
The site is served with all required public utilities and has adequate access to a public street.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The site is proposed for paired patio homes that will be compatalbe with the single family subdivisions developed with in the same D-4 zoning district surrounding the site. The proposed community will be mostly maintenance free and provide common areas and amenities for the residents.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The proposed development is to provide a maintenance free enviorment for the homeowners. The reduction on the required lot width will minimize the area of private yard maintenance and provide more area for common open space and landscape planting area for the HOA.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The requested 7 interior lots with reduced lot area will continue to provide a safe and health living environment for all residents and the general public.

The site is served with all required public utilities and has adequate access to a public street.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The site is proposed for paired patio homes that will be compatialbe with the single family subvisions developed with in the same D-4 zoning district surrounding the site. The lots with reduced area are all located in the interior of the development. No adjacent property owner will be impacted

by these 7 slightly smaller lots. The development's overall lot average is above the minimum required lot area.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The reduction of the required lot area is a result of the curve in the street pattern to act as a calming traffic control measure.

The reduction in lot area for the interior lots will also provide more common space to landascape and provide additional community area.

The development's overall lot average is above the minimum required lot area.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The requested 10 lots with private street frontage will continue to provide a safe and health living environment for all residents and the general public.
The site is served with all required public utilities and all lots will have adequate access to a public street.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The site is proposed for paired patio homes that will be compatialbe with the single family subdivisons developed with in the same D-4 zoning district surrounding the site. The lots with a private street frontages are located at the southern end of the development. No adjacent property owner will be impacted by these by these 10 lots with private drives.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The lots with a private drive allow for a more practical development pattern and are all visible from the subdivision's public streets. Public safety vehicles will continue to have easy access to all of the lots since the private drives are paved, 20 feet wide and only for a short distance.

DECISION

IT IS THEREFORE the decision of this body that this VARIANCE petition is APPROVED.

Adopted this _____ day of _____, 20 ____

REQUESTED WAIVER:

**METROPOLITAN DEVELOPMENT COMMISSION
PLAT COMMITTEE
HEARING EXAMINER
OF MARION COUNTY, INDIANA**

**WAIVER OF THE SUBDIVISION REGULATIONS
FINDINGS OF FACT**

1. The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property because:

The proposed dead end streets will be constructed to the private street standards and have been approved by the Decatur Township Fire Department

2. The conditions upon which the request is based are individual to the property for which the relief is sought and are not applicable generally to other property because:

The proposed street pattern makes the best design and use of the property given the two family development and efficient access to individual units.

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out:

The creation of more private street to make a continuous loop will make it more difficult for the maneuverability of the larger fire apparatus and service delivery vehicles.

4. The resulting subdivision fulfills the purpose and intent of these regulations at an equal or higher standard than what would have been possible without the deviation because:

The street pattern makes the best use of the lot configuration and will continue to provide safe access to all homes. The relatively short deadend streets have been endorsed by the Decatur Township Fire Department and will not create any difficulty with the deliver of goods and services.

5. The relief sought shall not in any manner vary from the provisions of the Zoning Ordinance, or official zoning base maps, except as those documents may be amended in the manner prescribed by law because:

The petition for private streets is also part of the rezoning and plat approval for this development.

DECISION

IT IS THEREFORE the decision of this body that this WAIVER of the Subdivision Regulations be granted, subject to any conditions stated in the minutes (which conditions are incorporated herein by reference and made a part of this decision).

Adopted this _____ day of _____, 20 ____



METROPOLITAN DEVELOPMENT COMMISSION **March 13, 2025**
HEARING EXAMINER

Case Number: 2025-ZON-007

Property Address: 2949, 2953, and 2959 Ruckle Street (Approximate Addresses)

Location: Center Township, Council District #8

Petitioner: Modern Housing Solutions, Inc., by David Gilman

Current Zoning: D-5

Request: Rezoning of 0.349-acre from the D-5 district to the D-8 district to provide for an eight-unit multi-family residential development.

Current Land Use: Undeveloped

Staff Recommendations: Denial

Staff Reviewer: Marleny Iraheta, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff **recommends denial** of the request.

If approved against staff’s recommendation, approval shall be subject to the following commitment being reduced to writing on the Commission’s Exhibit "B" forms at least three days prior to the MDC hearing:

1. A 30-foot half right-of-way shall be dedicated along the frontage of 30th Street, as per the request of the Department of Public Works (DPW), Engineering Division if not already present. Additional easements shall not be granted to third parties within the area to be dedicated as public right-of-way prior to the acceptance of all grants of right-of-way by the DPW. The right-of-way shall be granted within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
2. Per the request of the Department of Public Works (DPW), the sidewalks on both street frontages shall be reconstructed to be one foot from the back of right of way, to allow a grass buffer between the curb and street.

PETITION OVERVIEW

LAND USE

The 0.349-acre subject site is comprised of three undeveloped parcels (1035815, 1063847, and 1059415) to be combined for development of the site.



**Department of Metropolitan Development
Division of Planning
Current Planning**

The subject site is surrounded to the west, south, and east by two-family dwellings, zoned D-5, and a single-family dwelling to the north, zoned D-5.

REZONING

This petition would rezone the parcels from the D-5 district to the D-8 district to provide for an eight-unit multi-family residential development.

The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book

The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed- use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works, Traffic Engineering Section, has requested the dedication and conveyance of a 30-foot half right-of-way along 30th Street if it does not already exist.

They have also requested a commitment for the sidewalks on both frontages to be reconstructed one foot from the back of right of way, to allow some grass buffer between the curb and street. This commitment would be attached the rezoning to be enforced at the issuance of an Improvement Location Permit, meaning the sidewalk relocation will only be needed upon development of the site.

STAFF ANALYSIS

The request would rezone the site to the D-8 district for the development of an eight-unit multi-family residential development.

The petitioner inquired with staff regarding the request to rezone the property to the D-8 district and was notified that staff would not support such a request. Staff considers the rezoning to the D-8 district as spot zoning due to the predominately D-5 zoned residential area. Instead, density can be accomplished with the development of multi-unit dwellings that meet the development standards either on each individual parcel or the combination of parcels. Furthermore, the option to develop single-family dwellings with secondary dwelling units is also permitted in the D-5 district.

Ultimately, there are more appropriate ways to develop the subject site that would be more in line with the context of the surrounding area regarding building mass, footprint, and design without introducing a new zoning district.

For these reasons, staff is recommending denial of the request.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Undeveloped	
Comprehensive Plan	8 to 15 Residential Units per Acre	
Surrounding Context	Zoning	Land Use
North:	D-5	Residential (Single-family dwelling)
South:	D-5	Residential (Two-family dwellings)
East:	D-5	Residential (Single and Two-family dwellings)
West:	D-5	Residential (Two-family dwellings)
Thoroughfare Plan		
Ruckle Street	Local Street	48-foot proposed right-of-way and 50-foot existing right-of-way.
30 th Street	Primary Arterial Street	88-foot proposed right-of-way and 60-foot existing right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	No	
Overlay	Yes	
Wellfield Protection Area	No	
Site Plan	January 23, 2025	
Site Plan (Amended)	N/A	
Elevations	January 23, 2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	N/A	
Findings of Fact (Amended)	N/A	
C-S/D-P Statement	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Mapleton-Fall Creek Neighborhood Land Use Plan (2013)
- Red Line Transit-Oriented Development Strategic Plan (2021)
- Infill Housing Guidelines (2021)



**Department of Metropolitan Development
Division of Planning
Current Planning**

- Indy Moves Transportation Integration Plan (2018)

Pattern Book / Land Use Plan

- Mapleton-Fall Creek Neighborhood Land Use Plan (2013) below.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- The subject site falls within the Red Line Transit-Oriented Development Strategic Plan (2021).
- The closest station, classified as a District Center typology, is within a ½ mile west of the site at the 30th Street and Meridian Street intersection.
- Characteristic of this typology would include a dense mixed-use hub for multiple neighborhoods with tall buildings, minimum of three stories at core with no front or side setbacks, multi-family housing with a minimum of five units, and structured parking only with active first floor.

Neighborhood / Area Specific Plan

- The site falls within the Mapleton-Fall Creek Neighborhood Land Use Plan (2013).
- The Plan recommends residential development greater than eight and equal to or less than 15 units per acre. This density is typically the highest density serviceable in suburban areas. In suburban areas it would typically be a multi-family (apartment or condominium) category. In urban areas, this is the highest density single-family residential category and a common multi-family category. Development at this density is appropriate for all types of mass transit corridors.
- The subject site falls within a designated LEED-ND Area. LEED for Neighborhood Development, known as LEED-ND, is a program of the United States Green Building Council. It sets energy-efficiency and environmental sustainability standards for development and redevelopment of neighborhoods. The Mapleton-Fall Creek Development Corporation has been working to certify a portion of the neighborhood under LEED-ND. If successful in their certification, Mapleton-Fall Creek will be one of the first existing urban neighborhoods in the nation to receive certification under this rigorous sustainability standard. MFCDC and their design and construction partners intend to use the standards of LEED-ND as a guide for future development so the Mapleton-Fall Creek neighborhood can reap the benefits of green building and smarter neighborhood planning and design. MFCDC is developing a guidebook to be used to evaluating proposed development within the LEED-ND area. The guidebook developed should be considered in any new development within the designated LEED-ND area.



Infill Housing Guidelines

- The Infill Housing Guidelines (2021) are applicable to this residential lot for infill development.
- **When Lots are Larger Than Average on a Block, Adjust Plans to Account for this Difference.** Over time, individual lots may have been combined with neighboring lots. This creates lots that are larger than others in their surrounding context. In these situations, consider one of the following strategies:
 - Build a single-family house on one side of the larger lot; ideally, build a house that fits in the historic boundary lines of the former parcels. Utilize the other side of the lot as a yard or open space. This allows for context-sensitive spacing for the new house with the existing neighboring house while leaving the option for the side lot to be developed in context-sensitive ways in the future.
 - Larger lots may support a larger structure such as a two-family or three-family house. When designing these structures, follow building spacing recommendations and other recommendations in these guidelines, including massing.
- Massing refers to the shape and size of buildings. Massing can contribute to the overall character of a neighborhood. For example, ranch developments from the 1950s and 1960s feel very different than a neighborhood of bungalows. Massing that coordinates with existing buildings along a street and the overall neighborhood enhances cohesion and maintains the character of the area.
- Massing and façade composition refines the scale and form of buildings beyond basic height, setback, and lot coverage standards by breaking down the volume into smaller-scale masses and adding depth, texture and variation to surfaces in a manner that improves the relationships of buildings to the lot, to adjacent lots and buildings, and to the streetscape. This cohesive relationship between a building and its surrounding context promotes neighborhood character.
- From a design perspective, massing is more than just a number, like square footage. The way that buildings are designed can affect how people perceive the size of a building. The use of materials, roof styles and slope, and breaking up the façades with various components are ways to influence the perception of massing.
- **Consider the Size of Surrounding Houses.** The massing of new construction and additions should be characteristic of surrounding buildings, particularly on local streets.
- **Build with Respect to the Street.** Use the street type to help guide appropriate massing. Busier, wider streets might allow for greater massing than local streets.
- **Design Strategically to Match Context.** Larger than typical massing can be appropriate if it is broken into elements that are visually compatible with the mass of surrounding buildings.
 - For larger new construction, stepping back upper stories, off-setting secondary masses from main masses, dividing larger façades into smaller components, and/or varying materials may be appropriate solutions to reduce the overall feel of the massing.
 - Adding a basement may also offer an opportunity to increase square footage without increasing massing or height.
- **Utilize Roof Lines to Reinforce Massing.** Roof styles can play an important role in massing. Houses with similar square footage can feel very different based on their roof design. For example, a standard



Department of Metropolitan Development
Division of Planning
Current Planning

gabled roof may create the illusion of more massing than a hipped roof. Similarly, a flat or low-sloped roof has much different massing than more steeply pitched gabled roofs.

- **Materials Matter; Use Them Strategically.** Material selection plays a large role in how massing is perceived. Some materials provide a much heavier feel than others. For example, masonry often has the appearance of more mass than glazing (i.e. windows).

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- The subject site falls within the Indy Moves Transportation Integration Plan (2018).
- More specifically, Pedal Indy (2018) proposes off-street complete streets upgrades for a multiuse path along 30th Street from Ruckle Street to Fall Creek Parkway North Drive.
- IndyMoves PedalIndy (2018) proposes an on-street bike lane along 29th St /Ruckle Street from Illinois Street to 30th Street.



ZONING HISTORY

Zoning History – Site

2024-DV2-038; 2959 and 2953 Ruckle Street (subject site), Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of a two-unit multi-unit house on each lot, with a 25-foot front building line (maximum 19.9 feet permitted), with a five-foot corner side yard setback (eight feet required) and walking paths with a 0.5-foot side yard setbacks (two feet required) and parking areas with zero-foot side yard setbacks (five feet required), **withdrawn**.

Zoning History – Vicinity

2015-CZN-838; 510 East Fall Creek Parkway, North Drive; 2819-2957 (odd) North Central Avenue; 2802-2810 and 2826-2844 (even) Ruckle Street; 512 and 518 East 28th Street; 507 and 508 East 29th Street (west of site), Rezoning of 0.79 acre from the C-1 and C-4 districts to the C-3C district to provide for commercial and residential development, **approved**.

2014-CZN-826; 510 East Fall Creek Parkway, North Drive; 2819-2965 (odd) North Central Avenue; 2802-2844(even) Ruckle Street; 512 and 518 East 28th Street; 507 and 508 East 29th Street (southwest of site), Rezoning of 5.7 acres from the D-8, C-1, C-2 (FW) and C-4 districts to the C-3C(FW) and C-3C districts to provide for a three-story, 32,0000-square foot mixed-use building (510), with approximately 12,000 square feet of commercial space and 16 units; two, three-story senior apartment buildings, with 48 units each, and six, 1,600-square foot (per unit) two-family dwellings, **withdrawn**.

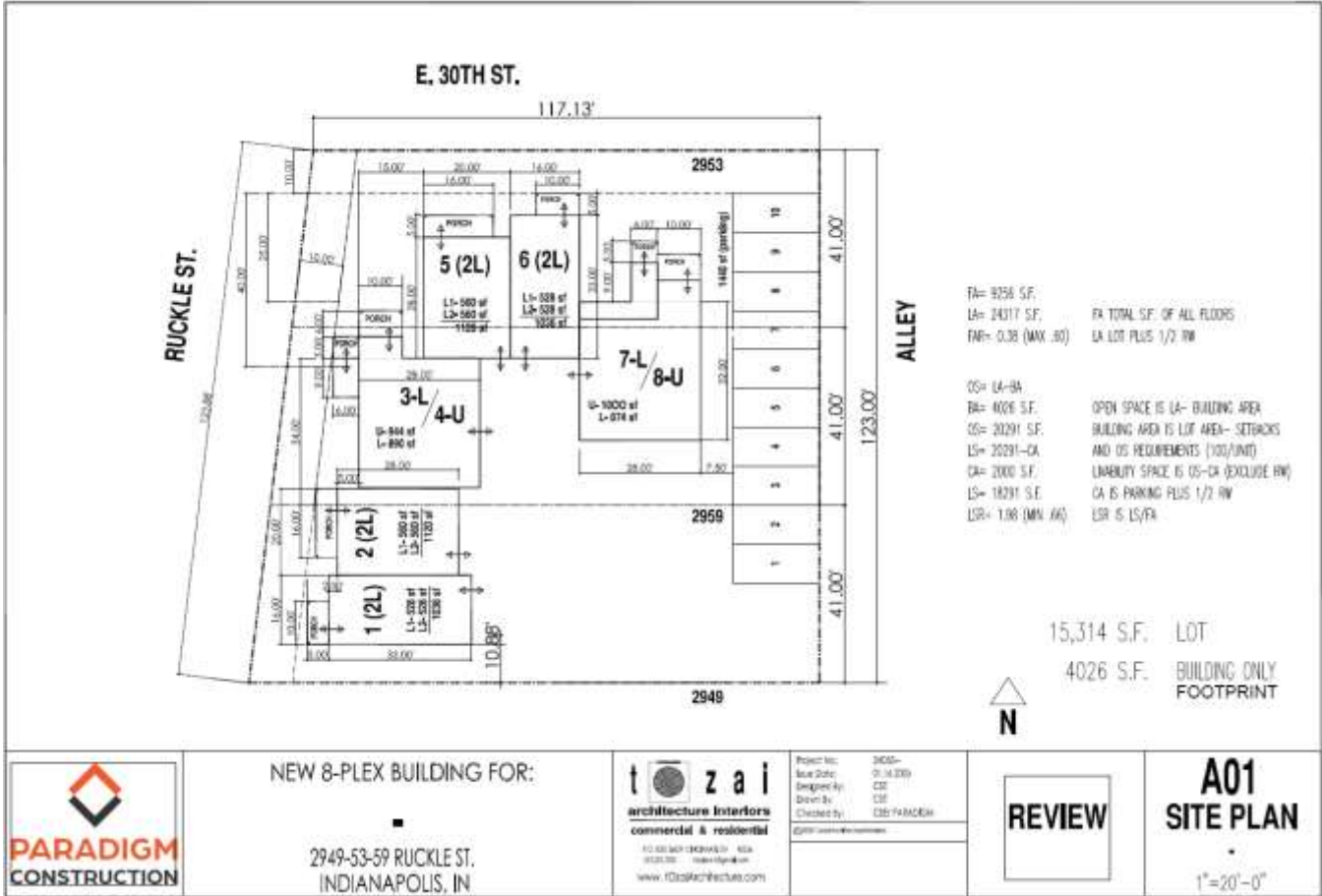
2014-UV2-031; 532, 536, and 540 East 30th Street (north of site), Variance of use of the Dwelling Districts Zoning Ordinance to provide for a rooming house (not permitted, maximum four unrelated persons permitted) for missionaries., **granted**.

2014-ZON-054; 510 East Fall Creek Parkway, North Drive; 2819, 2821, 2825, 2829, 2837, 2841, 2845, 2917, 2925, 2927, 2931, 2935, 2941 Central Avenue and 2802, 2806, 2810, 2822, 2826, 2834, 2838 and 2844 Ruckle Street; 512 and 518 East 28th Street; 507 and 508 East 29th Street (southwest of site), Rezoning of 4.95 acres from the D-8, C-1, C-2 (FW) and C-4 districts to the C-3C (FW) and C-3C districts, **approved**.

2013-ZON-008; Various addresses on Ruckle Street, New Jersey Street, Central Avenue and North Park Avenue (north and southeast of site), Rezoning of 1.91 acres from the D-5 District to the PK-1 classification to provide for park uses, **approved**.

EXHIBITS







Department of Metropolitan Development
 Division of Planning
 Current Planning

	<p>NEW 8-PLEX BUILDING FOR:</p> <p>2949-53-59 RUCKLE ST. INDIANAPOLIS, IN</p>	<p>t z a i architecture interiors commercial & residential</p> <p>11 55 567 CINCINNATI, OH 513.233.7433 info@tzaia.com www.tzaia.com</p>	<p>Project No: 240207 Issue Date: 01/14/2025 Designed by: CSE Drawn by: CSE Checked by: CSE/TASAC/DA</p>	<p>REVIEW</p>	<p>A02 ELEVATIONS</p> <p>1" = 20'-0"</p>

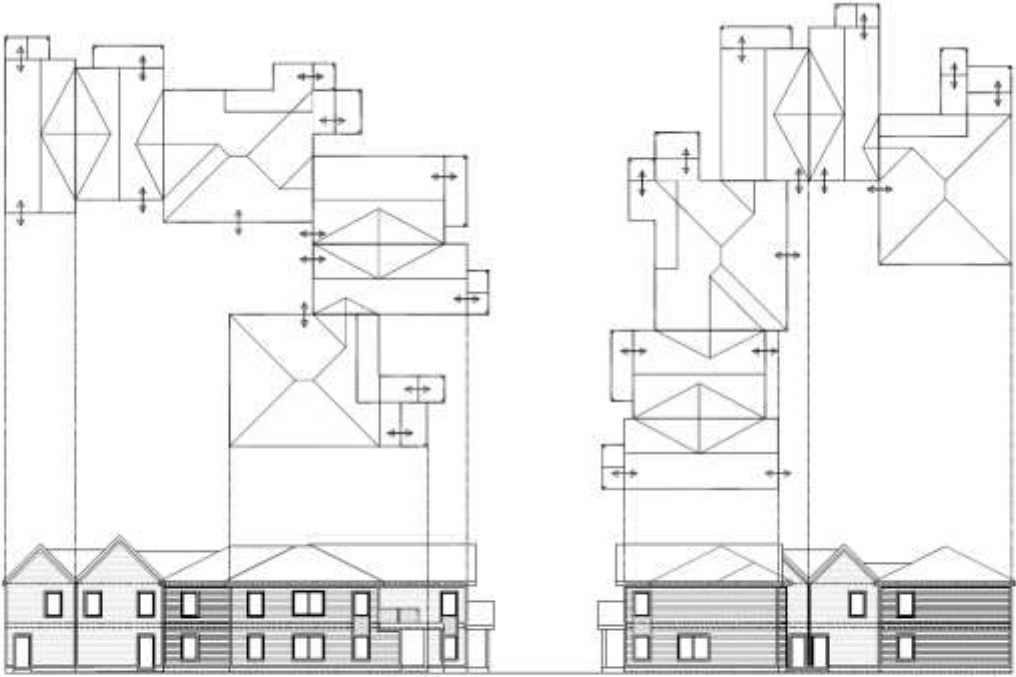


					
<p>EAST ELEVATION SOUTH ELEVATION</p>					
 <p>PARADIGM CONSTRUCTION</p>	<p>NEW 8-PLEX BUILDING FOR:</p> <p>■</p> <p>2949-53-59 RUCKLE ST. INDIANAPOLIS, IN</p>	 <p>t z a i architecture interiors commercial & residential</p> <p>1100 NIP (NEW) RD 53203E Indianapolis www.tzaiarchitecture.com</p>	<p>Project No: 240207 Rev Date: 01-14-2016 Designed by: CSE Drawn by: CSE Checked by: CSE/TAC/DAE</p> <p>Q:\2016\240207\240207.dwg</p>	<p>REVIEW</p>	<p>A03 ELEVATIONS</p> <p>1" = 20'-0"</p>







Photo of 5959 Ruckle Street looking east.



Photo of 5953 Ruckle Street looking east.



Photo of 2949 Ruckle Street looking east.



Photo of two-family dwellings south of the site.



Photo of two-family dwellings west of the site.



Photo of a single-family dwelling north of the site.



Photo of two-family dwellings east of the site across the alley



Photo of the alley east of the site looking south.



Photo of the street frontage along 30th Street.